

EXHIBIT 11

1 MIKE ROBERTS

2 IN THE UNITED STATES DISTRICT COURT

3 FOR THE NORTHERN DISTRICT OF MISSISSIPPI

4 OXFORD DIVISION

5
6 JOHN RASH,

7
8 Plaintiff,

9 v.

CIVIL ACTION NO.:
3:20-cv-224-NBB-RP

10 LAFAYETTE COUNTY,
11 MISSISSIPPI,

12 Defendant.

13
14
15 REMOTE DEPOSITION OF

16 MIKE ROBERTS

17 Wednesday, January 13, 2021

18 9:23 a.m. Central Standard Time

19
20
21
22
23 Reported by:

24 GRETA H. DUCKETT, CCR, RPR, CRR, CVR-S, RVR-M-S

25 JOB NO.: 188441

1	MIKE ROBERTS	Page 2	1	MIKE ROBERTS	Page 3
2			2	A P P E A R A N C E S	
3			3		
4			4	FOR THE PLAINTIFF:	
5	January 13, 2021		5		
6	9:23 a.m. Central Standard Time		6	Jonathan Youngwood, Esq.	
7			7	Raul Duran, Esq.	
8	Videotaped remote deposition of		8	SIMPSON THACHER & BARTLETT	
9	MIKE ROBERTS, before Greta H. Duckett, CCR,		9	425 Lexington Avenue	
10	RPR, CRR, CVR-S, RVR-M-S.		10	New York, New York 10017	
11			11		
12			12		
13			13		
14			14		
15			15	Joshua Tom, Esq.	
16			16	ACLU OF MISSISSIPPI	
17			17	P.O. Box 2242	
18			18	Jackson, Mississippi 39225	
19			19		
20			20		
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3	C O N T I N U E D		3	EXAMINATION INDEX	
4			4		
5	FOR LAFAYETTE COUNTY, MISSISSIPPI:		5	BY MR. YOUNGWOOD	10
6			6		
7	David O'Donnell, Esq.		7		
8	CLAYTON O'DONNELL		8		
9	1403 Van Buren Avenue		9		
10	Oxford, Mississippi 38655		10		
11			11		
12			12		
13			13		
14			14		
15	ALSO PRESENT:		15		
16	William Thomas, videographer		16		
17			17		
18			18		
19			19		
20			20		
21			21		
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24			24		

<p>Page 6</p> <p>1 MIKE ROBERTS 2 EXHIBIT INDEX</p> <p>3</p> <p>4 EXHIBIT 1 4/20/2015 Facility Use 32 Policy; Bates Lafayette 5 County DOC000002 to Lafayette County DOC000005</p> <p>6</p> <p>7 EXHIBIT 2 3/4/2019 Facility Use 37 Policy; Bates Lafayette County DOC000006 to 8 Lafayette County DOC000010</p> <p>9 EXHIBIT 3 3/4/2019 Facility Use 51 Policy; Bates Lafayette 10 County DOC000006 to Lafayette County DOC000010</p> <p>11</p> <p>12 EXHIBIT 12 Order: Amend Facility Use 54 Policy Regarding Use of Courthouse Grounds; Bates 13 Lafayette County DOC000052</p> <p>14 EXHIBIT 14 6/17/2020 email; Bates 87 Lafayette County Doc001262</p> <p>15</p> <p>16 EXHIBIT 17 Social media posts; Bates 133 Lafayette County Doc001615 to Lafayette County 17 Doc001617</p> <p>18 EXHIBIT 18 6/18/2020 email; Bates 132 Lafayette County DOC000261 to Lafayette County 19 DOC000266</p> <p>20</p> <p>21 EXHIBIT 20 6/19/2020 email from 88 Settle; Bates Lafayette County Doc000848</p> <p>22</p> <p>23 EXHIBIT 27 7/6/2020 Board of 80 Supervisors agenda; Bates Lafayette County DOC000011 to Lafayette County 24 DOC000013</p> <p>25</p>	<p>Page 7</p> <p>1 MIKE ROBERTS 2 EXHIBIT INDEX</p> <p>3</p> <p>4 CONTINUED</p> <p>5</p> <p>6 EXHIBIT 28 7/27/2020 email; Bates 128 Lafayette County DOC000038</p> <p>7</p> <p>8 EXHIBIT 29 7/14/2020 Rash Facility 122 Use Application</p> <p>9</p> <p>10</p> <p>11 EXHIBIT 32 Order: Approve Revision 111 of Facilities Use Policy to Include a Requirement 12 of Application to be Made 14 Days Prior to Date of 13 Proposed Use and Requiring Closure of Courthouse 14 Grounds 30 Minutes Before Dusk; Bates Lafayette 15 County DOC000001</p> <p>16</p> <p>17 EXHIBIT 39 Photograph 20</p> <p>18 EXHIBIT 46 Photographs 100</p> <p>19 EXHIBIT 47 Photograph 94</p> <p>20 EXHIBIT 48 Photograph 94</p> <p>21 EXHIBIT 49 Photograph 94</p> <p>22 EXHIBIT 50 Photograph 94</p> <p>23 EXHIBIT 53 Blank Facility Use 136 Application</p> <p>24</p>
<p>Page 8</p> <p>1 MIKE ROBERTS</p> <p>2 THE VIDEOGRAPHER: Good</p> <p>3 morning. My name is William</p> <p>4 Thomas. I'm a certified legal</p> <p>5 videographer in association with</p> <p>6 TSG Reporting.</p> <p>7 Due to the severity of the</p> <p>8 COVID-19 and following the practice</p> <p>9 of social distancing, I will not be</p> <p>10 in the same room with the witness.</p> <p>11 Instead, I will record this</p> <p>12 videotaped deposition remotely.</p> <p>13 The reporter, Greta Duckett, also</p> <p>14 will not be in the same room with</p> <p>15 the witness and will swear him in</p> <p>16 remotely.</p> <p>17 Do all parties stipulate to</p> <p>18 the validity of this video</p> <p>19 recording and remote swearing in,</p> <p>20 and that it will be admissible in</p> <p>21 the courtroom as if it had been</p> <p>22 taken following Rule 30 of the</p> <p>23 Federal Rules of Civil Procedures</p> <p>24 and the state's rules where this</p> <p>25 case is pending?</p>	<p>Page 9</p> <p>1 MIKE ROBERTS</p> <p>2 MR. YOUNGWOOD: For</p> <p>3 plaintiff -- for plaintiff, yes.</p> <p>4 MR. O'DONNELL: For the</p> <p>5 defendant, of course, subject to</p> <p>6 evidentiary objections, agreed.</p> <p>7 THE COURT REPORTER: Thank</p> <p>8 you.</p> <p>9 THE VIDEOGRAPHER: All</p> <p>10 right. Thank you very much.</p> <p>11 We are going on record at</p> <p>12 9:23 on January 13th, 2021. This</p> <p>13 is the videotaped deposition of</p> <p>14 Mr. Mike Roberts, taken in the</p> <p>15 matter of John Rash versus</p> <p>16 Lafayette County, Mississippi.</p> <p>17 This is in the United States</p> <p>18 District Court, Northern District</p> <p>19 of Mississippi, Oxford Division,</p> <p>20 Case Number 3:20-cv-224-NBB-RP.</p> <p>21 Counsel, would you now</p> <p>22 identify yourselves for this</p> <p>23 proceeding?</p> <p>24 MR. YOUNGWOOD: Jonathan</p> <p>25 Youngwood, Simpson Thacher, for the</p>

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1 MIKE ROBERTS
2 plaintiff.
3 MR. O'DONNELL: David
4 O'Donnell --
5 MR. TOM: Joshua Tom -- oh.
6 Go ahead.
7 MR. O'DONNELL: Go ahead,
8 Joshua.
9 MR. TOM: Joshua Tom with the
10 ACLU of Mississippi for plaintiff.
11 MR. O'DONNELL: And David
12 O'Donnell on behalf of Lafayette
13 County, Mississippi.
14 THE VIDEOGRAPHER: All
15 right. Thank you.
16 The court reporter may now
17 swear in the witness.
18 MIKE ROBERTS,
19 the witness, having first been duly
20 sworn to speak the truth, the whole truth and
21 nothing but the truth, testified as follows:
22 EXAMINATION
23 BY MR. YOUNGWOOD:
24 Q. Mr. Roberts, good morning. I'm
25 sorry for the preliminary waste of your time as

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1 MIKE ROBERTS
2 Q. I'm sorry. Forty-
3 A. -- but 45-7. I think it's about
4 45-7.
5 Q. 45 -- \$45,000?
6 A. Yeah. Roughly. Roughly, in
7 that -- 45-7, I think, it what it is. I just
8 don't remember off the top of my head.
9 Q. Okay. And do you have other
10 employment, sir?
11 A. I do.
12 Q. What -- what else do you do?
13 A. I'm an insurance agent, direct
14 sales, employee benefit insurance sales agent.
15 Q. Okay. And how long have you been
16 doing that?
17 A. Roughly, 18 years.
18 Q. Okay. Prior to that, what did you
19 do?
20 A. Prior to insurance, I was a night
21 auditor at a hotel here in Oxford.
22 Q. Okay. And how many years did you
23 do that?
24 A. You're asking me to dig deep.
25 Probably two or three. It's been so long ago,

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1 MIKE ROBERTS
2 we all tried to get everything to work. And --
3 and I -- and I also recognize you're -- you're
4 undoubtedly a busy man, and I'm going to try to
5 keep this as efficient as -- as I can.
6 Mr. Roberts, could you state
7 your -- your current -- well, you're currently
8 the president of the board of supervisors of
9 Lafayette County, correct?
10 A. Yes, sir.
11 Q. Okay. And do you have -- is that a
12 paid position?
13 A. Same as -- statutorily, the same as
14 the rest of the supervisors.
15 Q. Okay. But there --
16 A. You don't get anything extra for
17 being the -- you don't get anything extra for
18 being the president.
19 Q. What -- what -- what is -- what is
20 the payment arrangement for the members of the
21 board, including yourself?
22 A. Are you talking about an amount?
23 Q. Yes. If you know.
24 A. 45-7. I'm -- I'm not real sure. I
25 know that sounds terrible --

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1 MIKE ROBERTS
2 I couldn't tell you.
3 Q. Okay.
4 A. Two years.
5 Q. And -- and we won't go back,
6 perhaps, through your whole history. But prior
7 to that, what did you do?
8 A. I was an astounding college
9 student.
10 Q. Okay. Where did you go to college,
11 sir?
12 A. University of Mississippi.
13 Q. Okay. And you graduated -- you
14 were graduated from there?
15 A. Right.
16 Q. What -- what year was that?
17 A. '98. '98.
18 Q. '98. What was your field of study?
19 A. Business.
20 Q. Okay. And did you grow up in the
21 Oxford area?
22 A. I did.
23 Q. Okay. So more or less lived --
24 lived in the area in the county your whole
25 life?

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1 MIKE ROBERTS

2 A. I have.

3 Q. Other than your position on the

4 board of supervisors -- and we'll go through

5 that a little bit -- have you ever been

6 employed by government?

7 A. I have not.

8 Q. Have you ever -- whether it was an

9 employment or not, have you ever held any other

10 public offices?

11 A. I have not.

12 Q. Okay. You were first elected to

13 the board in 2011. Do I understand that

14 correctly?

15 A. That's correct. I think that was

16 my first term, yes, sir.

17 Q. Okay. Why did you decide to run

18 for the board?

19 A. Lifelong interest in politics and

20 public service.

21 Q. Okay. And so you've subsequently

22 been reelected to the board how many times?

23 A. I started -- this is my third term.

24 Q. Okay. And that was -- I'm sorry.

25 When did your third term start?

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1 MIKE ROBERTS

2 Q. Okay. And did you -- why did you

3 determine to seek to be president?

4 A. I don't know that I sought to be

5 it, as much as it was that, being a returning

6 supervisor, you know, leaned towards me holding

7 that position.

8 Q. Okay. What additional

9 responsibilities do you have as president?

10 A. A lot of ribbon cuttings, a lot of

11 speeches, taking the minutes -- I mean, signing

12 off on the minutes, conducting the meetings,

13 you know, as -- as we have scheduled.

14 Q. Okay. And maybe I should go back a

15 little bit. What do you understand your duties

16 to be as a supervisor?

17 A. More of a public-relationships kind

18 of guy. As a supervisor in general, just for

19 my district to represent, to -- to kind of

20 share their views and what -- what they hope

21 that this board will accomplish, but, more

22 specifically, myself and the folks that are in

23 my district.

24 Q. What do you understand to be the

25 responsibility, then, of the board as a whole?

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1 MIKE ROBERTS

2 A. January of '20.

3 Q. Okay. And you've recently changed

4 your party registration, do I understand, from

5 Democrat to Republican?

6 A. I did.

7 Q. And you did that subsequent to the

8 election. Do I have that right?

9 A. That is correct.

10 Q. Okay. What was the reason for

11 that, sir?

12 A. Just personal convictions.

13 Q. Okay. Had you been a lifelong

14 Democrat accurate prior to that?

15 A. Yes, sir.

16 Q. Okay. When did you become

17 president?

18 A. At the start of this term.

19 Q. Okay. And I'm sorry for not

20 knowing this. Were you elected to be

21 president, or -- or does the -- do your

22 co-supervisors elect you? In other words, did

23 you run --

24 A. The co-supervisors. No. The

25 board -- the board internally decides that.

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1 MIKE ROBERTS

2 What -- what area -- what is it responsible for

3 doing?

4 A. Our board is, I would say,

5 countywide, outside the city limits, just to

6 make sure that their taxpayer moneys are being

7 used for the growth. And not just

8 economically, but their own physical and mental

9 growth, you know, countywide; that they have a

10 voice in their expenditures of their tax

11 dollars.

12 Q. Okay. And what about with respect

13 to law enforcement? What do you understand

14 your duties to be with respect to law

15 enforcement?

16 A. For me personally, is -- is to

17 support them in any role and fashion that I can

18 that would, you know, correlate with the wishes

19 of my district, which, for us, that's fully

20 support them in every way we can.

21 Q. Okay. What role do you have in

22 setting their -- their -- and by the way, law

23 enforcement, are we referring to the sheriff's

24 office? Is that what we're referring to?

25 When -- when you think of your --

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1 MIKE ROBERTS

2 A. That's the way I --

3 Q. Go ahead. Sorry. I didn't mean to

4 speak over you.

5 A. Yes. That's the way I took it,

6 that you were saying the sheriff's department

7 is our law enforcement. We certainly would

8 support our, you know, first responders with

9 our, you know, fire department and stuff like

10 that. But law enforcement, I -- I would refer

11 to as -- as sheriff's department.

12 Q. Okay. What role does the board of

13 supervisors have in the sheriff's department

14 budget?

15 A. We -- we approve it or not approve

16 it, based on, you know, tax revenues we receive

17 as a county whole, as most departments are,

18 that -- that they present to the board.

19 Between the county administrator and ourselves

20 and our controllers, we -- we go through

21 budget -- budget items just like we do any

22 other department.

23 Q. Okay. And if you thought their

24 budget was inadequate, what power would you

25 have to raise additional funds that could have

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1 MIKE ROBERTS

2 Give me one second, sir. I'm

3 sorry. Hold on.

4 (Technical discussion.)

5 (Exhibit 39 was marked for

6 identification.)

7 BY MR. YOUNGWOOD:

8 Q. So see you'll a collection of -- of

9 photographs at this tab 39, which we'll mark as

10 Exhibit 39. They're numbered B-1 through B-23.

11 Do you have the right document in front of you?

12 A. I do, yes, sir.

13 Q. Okay. And, sir, do you -- do you

14 recognize -- we can just start with the first

15 one -- this to be a picture of that county

16 courthouse that we were just discussing?

17 A. I do.

18 Q. Okay. What are the -- I understand

19 it's a courthouse and it's an active

20 courthouse, but in addition to that, the -- the

21 grounds of the courthouse over the years -- you

22 said you -- you've been a Lafayette County

23 resident your whole life. What are these

24 grounds used for?

25 A. Primarily, we have the circuit

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1 MIKE ROBERTS

2 a larger budget?

3 A. I don't know that power-wise that

4 we're to raise their budget. I think we just

5 have to look at it as it -- as it arises in

6 terms of public safety countywide.

7 Q. Okay. Now, the county -- included

8 within the county is the city of Oxford,

9 correct?

10 A. Yes, sir.

11 Q. And there are some grounds within

12 the city of Oxford that are actually county

13 property as opposed to city property; is that

14 right?

15 A. Correct.

16 Q. And one of those grounds is the

17 county courthouse that's in the middle of the

18 Oxford city square, correct?

19 A. Yes, sir.

20 Q. Okay. And you understand that, in

21 part, this litigation concerns those grounds?

22 A. Correct.

23 Q. Okay. If we could turn, sir,

24 within this binder you've been provided, to the

25 tab marked 39.

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1 MIKE ROBERTS

2 court at this time and circuit clerk's office

3 for their daily functions and -- and to hold

4 court.

5 Q. Okay. The grounds themselves are

6 surrounded by a low-rise fence. You can see

7 that in any number of these pictures, correct?

8 A. I can.

9 Q. Okay. And this fence, do you know

10 how long it's been in place?

11 A. I do not.

12 Q. Okay. As -- as long as you can

13 remember, a fence has been --

14 A. As long as I -- yes, sir.

15 Q. Okay. And the openings in the

16 fence that you can see in some of these

17 pictures -- I'm looking at, for example, B-3

18 right now, kind of an opening right in front of

19 the statue -- those have been there as long as

20 you can recall, correct?

21 A. Yes, sir.

22 Q. Okay. And there's -- there's no

23 gate or anything that closes them off, correct?

24 A. No, sir.

25 Q. And there are no signs that suggest

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1 MIKE ROBERTS
2 limited access to the grounds, correct?
3 A. Not that I -- not that I'm aware
4 of.
5 Q. Okay. And so no manner in which an
6 individual in the town square would -- would
7 know that there was any restriction to access
8 to these grounds, correct?
9 A. Other than anything that might be
10 posted, but I'm not aware of anything.
11 Q. Okay. The square as a whole,
12 what -- what functions has it performed over
13 time?
14 A. The entire Oxford square?
15 Q. Yeah.
16 A. Place of commerce and growth. City
17 hall there, so there's some government business
18 conducted on the city's behalf. But primarily
19 commerce and entertainment.
20 Q. Effectively, the center of -- of
21 the town, correct?
22 A. Yes, sir.
23 Q. And -- and perhaps also the center
24 of the county; fair to say?
25 A. I haven't looked at it

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1 MIKE ROBERTS
2 Q. And -- strike that.
3 Are you aware -- let's just,
4 perhaps, start with the years you've been on
5 the board of supervisors -- of any safety
6 issues, any incidents of violence that have
7 been associated with the county courthouse
8 grounds?
9 A. I'm not aware of any -- any
10 violence. There's always concern of safety
11 when you get in -- when you get in an area as
12 confined as the square of Oxford.
13 Q. Okay. And that -- that safety
14 also --
15 A. Off the top of my head, I do not
16 remember any -- I'm sorry.
17 Q. No. Please go ahead. Finish --
18 finish your sentence. I think you were going
19 to say you don't, off the top of your head,
20 remember any violence? Is that what you were
21 going to say?
22 A. I'm not -- off the top of my head,
23 I'm not aware of any -- any instances
24 specifically. I just know that safety's always
25 a concern with a confined area like that. With

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1 MIKE ROBERTS
2 geographically, but I would -- I would think
3 so.
4 Q. Well, I didn't even mean just
5 physically geographically. I mean, it's the
6 center of commerce and business and
7 entertainment and the other things that you
8 listed?
9 A. If you say so. I think Oxford, as
10 a whole, is probably -- probably used pretty
11 uniformly from county line to county line.
12 Inside the city limits is -- you'll find the
13 same type of commerce and entertainment
14 countywide.
15 Q. Okay. It's also an area that, in
16 the past, has sometimes been used for marches,
17 correct?
18 A. Are you talking about, like,
19 demonstrations?
20 Q. Start with demonstrations, yeah.
21 A. It has.
22 Q. And even not demonstrations, but --
23 but, perhaps, for holidays, celebrations,
24 parades, that sort of thing?
25 A. Right.

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1 MIKE ROBERTS
2 the way the traffic flows around the courthouse
3 square and the square in general, it's always a
4 concern.
5 Q. Okay. And -- and perhaps it's also
6 a concern because some of the establishments
7 that line the square serve alcohol?
8 A. I don't -- I don't know that that
9 changes the inherent danger or safety concerns
10 around it.
11 Q. Okay. So the concerns you just
12 listed, I heard you list traffic as a concern.
13 A. One of them.
14 Q. Okay. What -- what other concerns
15 have you had about safety in the square?
16 A. It's just the -- the engineering
17 aspects of it. I don't know if you've ever
18 been to Oxford. Just the, you know, pedestrian
19 traffic that -- that is encouraged around the
20 square. I don't know if you've been there, but
21 the -- the visual line of sight is not really
22 conducive for pedestrian -- pedestrian
23 walkways, crossing the streets, and -- and
24 there's a lot of, you know, foot traffic,
25 window shopping or, you know, door-to-door.

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1 MIKE ROBERTS
2 And when they're crossing these streets,
3 it's -- the -- the visibility is not always
4 conducive to safety.
5 Q. Okay. We had talked about
6 violence. Are you aware -- and you couldn't
7 recall any. Are you aware of any -- any
8 injuries directly related to the -- the type of
9 matters you just listed -- pedestrians walking,
10 the traffic patterns, all those things -- in
11 the time you've been supervisor?
12 A. I haven't really thought about it
13 in a while, but off the top of my head, nothing
14 specific. But I just haven't really -- I
15 haven't really written it down or tried to keep
16 up with it.
17 Q. Okay. And how about destruction of
18 property? Can you think of incidents of
19 meaningful destruction of property associated
20 with the square in the years that you've been
21 on the board of supervisors?
22 A. I -- you know, meaningful is
23 probably relevant, but, yeah, there's -- I
24 mean, there's been small cases of vandalism or
25 inadvertent damage to, specifically, our

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1 MIKE ROBERTS
2 the statue itself, can you think of any
3 instances of vandalism in the decade or so
4 you've been on the board of supervisors in
5 the -- around the courthouse or in the town
6 square?
7 A. I don't remember any right now.
8 Q. Okay. Let's take a look at --
9 interesting -- Exhibit -- we'll keep the 39.
10 There's a picture -- the first page has a
11 statue. That's really what I was looking for.
12 A. On 39? Okay.
13 Q. Same -- same tab you were in, just
14 the first page. It has B-1 on the bottom.
15 A. Yes.
16 Q. That's -- the statue we're
17 referring to is the statue that's on the left
18 side of this picture, right?
19 A. Correct.
20 Q. Between the cars, right?
21 A. Right.
22 Q. Okay. And when you're referring to
23 the vandalism and the cannonballs, are those
24 the -- the round objects toward the base of the
25 statue?

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1 MIKE ROBERTS
2 courthouse grounds. I'm not sure about the
3 city, if they have documented any type of
4 vandalism or -- or conduct like that. But I
5 know we've had some, you know, minor theft and
6 probably incidental damage to the courthouse
7 grounds over the years. But, there again, I
8 have not documented those in --
9 Q. Okay.
10 A. -- something I can pull -- pull out
11 of my head real quick.
12 Q. Okay. You can't -- you can't,
13 sitting here right now -- and I understand you
14 haven't thought about it in a while. But you
15 can't, sitting here right now, identify any
16 specific instances of vandalism?
17 A. The only specific one that pops in
18 my head right now is the -- on the statue,
19 there was some cannonballs that had taken --
20 been taken off or ornamental ball -- I don't
21 know what -- what you want to call them, but I
22 know that those have been stolen in the past
23 since I've been in office.
24 Q. Okay. Let's go to that in a
25 second. Other than something associated with

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1 MIKE ROBERTS
2 A. Yes, sir.
3 Q. And so what -- what has happened in
4 the past?
5 A. Those have -- those have been
6 taken.
7 Q. Okay. Are they not affixed? Are
8 they -- one's able to --
9 A. They are. They are.
10 Q. But people are determined and find
11 a way?
12 A. I guess so. Yeah. I'm not sure
13 what the resale market for it is, but yes.
14 Q. Okay. And when's the last time you
15 can think of that occurring?
16 A. I hate to be broad with you, but I
17 just know it's been since I've been elected to
18 supervisor --
19 Q. Okay.
20 A. -- we've had to replace one.
21 Q. You've had -- so you can think, in
22 the 10 years, you -- you can remember at least
23 one instance where you've replaced one?
24 A. This latest, yes, sir.
25 Q. Okay. You can't think of any other

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1 MIKE ROBERTS

2 instances?

3 A. Not during my term. I know that

4 they've -- the only reason I know it's been

5 taken before is because they remembered the

6 price being expensive and had to -- had to

7 replace it before. So we had a little -- I

8 don't remember where the information came from.

9 Somebody had the vendor that we had replaced

10 them before with.

11 Q. I see. You're -- you're

12 remembering it happened sometime in your 10

13 years, and when it happened, somebody said, oh,

14 the last time we did this, it cost whatever it

15 cost?

16 A. Whatever it was. But yeah. How do

17 you go about replacing these? Well --

18 Q. Okay.

19 A. We knew how to replace them because

20 we had had the vandalism that had happened

21 before.

22 Q. Okay. Other than what we've just

23 discussed about the cannonballs, any other

24 instances of vandalism that you can

25 specifically recall related to the courthouse,

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1 MIKE ROBERTS

2 now that we've broadened it to beyond the --

3 (Simultaneous speakers.)

4 A. I don't have any details. I know

5 we've had some -- we've had some murders.

6 We've had some -- some -- you know, I'm sure

7 domestic disputes. I just don't remember

8 specifics. But I -- we're -- we're not immune

9 to our share of violence or crime.

10 Q. Okay. But -- but you're not

11 thinking of any of those instances taking place

12 on the courthouse square, correct?

13 A. No, sir.

14 MR. YOUNGWOOD: Okay. Let's

15 take a look at the first tab.

16 We'll mark this as Exhibit 1 to

17 Mr. Roberts' deposition.

18 (Exhibit 1 was marked for

19 identification.)

20 BY MR. YOUNGWOOD:

21 Q. Do you -- you recognize this?

22 Take -- and take as much time as you need to

23 look at it. You may not have seen it in a

24 while. It's a -- it's a document

25 Bates-numbered doc2 to 5, and it has an

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1 MIKE ROBERTS

2 the courthouse grounds, or -- or the square in

3 general?

4 A. I just haven't thought about it.

5 I'll have -- I mean, I'm sure there is; I just

6 can't remember right now.

7 Q. Okay. And are there other places

8 in the county where vandalism sometimes occurs?

9 A. I'm sure. I haven't -- I haven't

10 conferred with the sheriff recently, but I'm

11 sure there's vandalism.

12 Q. Okay. And you had mentioned

13 traffic concerns. I assume there are other

14 places in the county where you have traffic

15 concerns?

16 A. Yes, sir.

17 Q. Okay. And although you couldn't

18 recall any direct violence associated with the

19 courthouse square while you've been supervisor,

20 have there -- there has, I assume, been

21 violence within the county in the 10 years

22 you've been supervisor?

23 A. Oh, I'm -- I'm -- yes, sir.

24 Q. Can you -- can you think of

25 specific instances there that -- that occurred,

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2 effective date on the top of August 20, 2015.

3 Do you know what this is?

4 A. Titled, Facility Use Policy --

5 Q. And do you recognize it, sir, as --

6 as the facility use policy related to the

7 county facilities as of (indiscernible) --

8 A. I --

9 (Simultaneous speakers.)

10 BY MR. YOUNGWOOD:

11 Q. -- of 2015?

12 A. It appears to be.

13 Q. Okay.

14 (Court reporter

15 clarification.)

16 A. It appears to be, yes, sir -- yes,

17 ma'am.

18 Q. So -- so this version is dated

19 April 2015. Do you recall adopting this

20 policy, as a member of the board of

21 supervisors?

22 A. Yes, sir.

23 Q. And just to be specific, you recall

24 adopting it in April of 2015?

25 A. I don't remember the date

<p style="text-align: right;">Page 34</p> <p>1 MIKE ROBERTS</p> <p>2 specifically, but I remember us adopting the</p> <p>3 facility use policy.</p> <p>4 Q. Was there one prior to this policy?</p> <p>5 A. Not that I'm aware of. I think it</p> <p>6 was in general -- generalities that we had, you</p> <p>7 know, used -- but nothing -- nothing</p> <p>8 documented.</p> <p>9 Q. Okay.</p> <p>10 A. I think this was the year we first</p> <p>11 decided to -- that we needed a facility use</p> <p>12 policy.</p> <p>13 Q. Okay. And what -- what gave rise</p> <p>14 to the need for this policy?</p> <p>15 A. I think, in general, it was just</p> <p>16 the increased requests to use the courthouse</p> <p>17 grounds, county facilities, that we realized</p> <p>18 that we needed some kind of formal guidelines</p> <p>19 to go by.</p> <p>20 Q. Okay. You mentioned the courthouse</p> <p>21 grounds. This policy, am I correct, is not</p> <p>22 specific to the courthouse?</p> <p>23 A. Right. You -- but you asked</p> <p>24 what -- what facilitated the use --</p> <p>25 Q. Yep.</p>	<p style="text-align: right;">Page 35</p> <p>1 MIKE ROBERTS</p> <p>2 A. -- of this guideline, so it's --</p> <p>3 it's -- this applies to the county facility as</p> <p>4 a whole. But what it -- what spurred this</p> <p>5 policy, this document, was the requested use of</p> <p>6 our courthouse grounds.</p> <p>7 Q. Okay. And when -- when did you</p> <p>8 observe that there had been an increase in the</p> <p>9 requests to use the courthouse grounds?</p> <p>10 A. I don't remember a specific time.</p> <p>11 Just in general while I was serving as</p> <p>12 supervisor, that our county administrator kept</p> <p>13 getting requests to use courthouse grounds.</p> <p>14 Q. And use it for what?</p> <p>15 A. Anything from weddings to meetings</p> <p>16 to a -- arts and crafts shows to -- a wide</p> <p>17 variety of uses.</p> <p>18 Q. Okay. Those types of uses -- I</p> <p>19 mean, at least in some respect, those have been</p> <p>20 going on for -- for years as of 2015; is that</p> <p>21 fair to say?</p> <p>22 A. I don't think so. I'm not -- I'm</p> <p>23 not sure that they've been going on -- I don't</p> <p>24 know. I couldn't tell you how long or not how</p> <p>25 long.</p>
<p style="text-align: right;">Page 36</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Okay. And so what was the process</p> <p>3 that was used to come up with this policy?</p> <p>4 A. County administrator, they adopt --</p> <p>5 I think they looked at -- around at local. But</p> <p>6 there again, my knowledge is I'm not sure of</p> <p>7 the actual words or -- or guidelines, but I'm</p> <p>8 assuming they probably consulted with law</p> <p>9 enforcement surrounding the city of Oxford or</p> <p>10 university and kind of -- you know, just to see</p> <p>11 what -- what other municipalities are doing.</p> <p>12 Q. Okay. And what role did you play,</p> <p>13 if any, in drafting this?</p> <p>14 A. I'm sorry?</p> <p>15 Q. What role did you play in putting</p> <p>16 this together?</p> <p>17 A. None, other than reviewing it when</p> <p>18 it became time for our vote.</p> <p>19 Q. Okay. And you -- I don't think we</p> <p>20 have the records of that meeting, but you --</p> <p>21 you voted to approve this?</p> <p>22 A. I don't have it in front of me, but</p> <p>23 yes, sir, I'm pretty confident in saying I did.</p> <p>24 Q. Okay. And once it was in place,</p> <p>25 did it work well? Did it serve the purposes</p>	<p style="text-align: right;">Page 37</p> <p>1 MIKE ROBERTS</p> <p>2 you were hoping it would serve?</p> <p>3 A. Compared to what we had previously,</p> <p>4 absolutely.</p> <p>5 Q. Okay. And -- and what do you mean</p> <p>6 by that?</p> <p>7 A. I mean, we didn't have anything in</p> <p>8 writing before, and now we had a facility use</p> <p>9 policy that was adopted and published for the</p> <p>10 public to see, something to go by.</p> <p>11 Q. Okay. If you could turn to the</p> <p>12 second tab in the binder, which we'll mark as</p> <p>13 Exhibit 2 to Mr. Roberts' deposition.</p> <p>14 (Exhibit 2 was marked for</p> <p>15 identification.)</p> <p>16 BY MR. YOUNGWOOD:</p> <p>17 Q. It has Bates number doc6 through</p> <p>18 10. You'll see here that the -- the effective</p> <p>19 date on this document is now March 4th, 2019.</p> <p>20 A. I do.</p> <p>21 Q. Do -- do you recall revising the</p> <p>22 policy in March of 2019 or thereabouts?</p> <p>23 Perhaps the work was done earlier than March.</p> <p>24 A. Right. I'm not sure of the date,</p> <p>25 but I do remember some revisions.</p>

<p style="text-align: right;">Page 38</p> <p>1 MIKE ROBERTS</p> <p>2 Q. And what do you recall giving rise</p> <p>3 to the need for revisions?</p> <p>4 A. I think, you know, as any kind of</p> <p>5 working document, it evolves. And I think our</p> <p>6 biggest concern was our -- our sheriff had</p> <p>7 issues, concerns about safety issues, and we</p> <p>8 needed to address -- address that with him in</p> <p>9 support of his ability to -- to protect the</p> <p>10 courthouse grounds or county facilities in</p> <p>11 general.</p> <p>12 Q. So the sheriff -- and who was the</p> <p>13 sheriff in -- in 2019? Which sheriff are we</p> <p>14 referring to?</p> <p>15 A. I don't remember if that was Scott</p> <p>16 Mills, the chief deputy, or Buddy East.</p> <p>17 Q. Okay.</p> <p>18 A. Joey -- Joey East is the one that</p> <p>19 brought the concerns to us, Sheriff East.</p> <p>20 Q. He -- he brought those to you in</p> <p>21 March of 2019 or February of 2019?</p> <p>22 A. I don't remember the specific</p> <p>23 times. I know it was early in the year that</p> <p>24 we -- our concerns were based off the -- the</p> <p>25 law enforcement's security of the courthouse</p>	<p style="text-align: right;">Page 39</p> <p>1 MIKE ROBERTS</p> <p>2 grounds and facilities.</p> <p>3 Q. Okay. But -- so you don't remember</p> <p>4 if it was March or February, but you remember</p> <p>5 it was in advance of the adoption of this</p> <p>6 policy that's marked as Exhibit 2?</p> <p>7 A. As the -- as the one we're looking</p> <p>8 at now, the effective date that you have on</p> <p>9 here, March 4th?</p> <p>10 Q. Yes.</p> <p>11 A. Right.</p> <p>12 Q. Yeah. Okay. And you think it was</p> <p>13 Sheriff East that -- in whatever position he</p> <p>14 was in at the time, that brought these concerns</p> <p>15 to you?</p> <p>16 A. I can't remember who was the</p> <p>17 sheriff at that time that brought it.</p> <p>18 Q. Okay. Let's -- let's not go by</p> <p>19 name, then. The sheriff at that time brought</p> <p>20 concerns to the board of supervisors -- and</p> <p>21 that time being early 2019 -- and those</p> <p>22 concerns, in part, led to the changes that are</p> <p>23 put into the policy, the copy of which you're</p> <p>24 looking at right now, which is marked as</p> <p>25 Exhibit 2?</p>
<p style="text-align: right;">Page 40</p> <p>1 MIKE ROBERTS</p> <p>2 A. Right.</p> <p>3 Q. Okay. And what were the concerns</p> <p>4 that were brought to the board's attention in</p> <p>5 early 2019?</p> <p>6 A. Just basically the security of</p> <p>7 the -- of the square and the safety for the</p> <p>8 public that was using it at that time; that our</p> <p>9 sheriff's department wasn't equipped to patrol</p> <p>10 it. But also that -- that, you know, in</p> <p>11 conjunction with our -- with the city policy,</p> <p>12 facility use policy they had, that ours, we</p> <p>13 thought, needed to be in more line, a uniform</p> <p>14 deal, in line with theirs so that -- that</p> <p>15 everybody was on the same page and could --</p> <p>16 could enforce it in an efficient manner.</p> <p>17 Instead of having two or three different</p> <p>18 policies, that we tried to get one that was</p> <p>19 kind of in line with -- with the surrounding</p> <p>20 university and city also.</p> <p>21 Q. So what -- what aspects of the</p> <p>22 policy were -- actually, strike that. I'll get</p> <p>23 back to that in a second.</p> <p>24 What were the specific safety</p> <p>25 concerns that the sheriff brought to the</p>	<p style="text-align: right;">Page 41</p> <p>1 MIKE ROBERTS</p> <p>2 board's attention in early 2019?</p> <p>3 A. Just off the top of my head, I</p> <p>4 don't remember all of them. But, basically, we</p> <p>5 needed a -- you know, to address the</p> <p>6 permitting -- permitting process, the amount of</p> <p>7 people that -- that could be there, when, who's</p> <p>8 going to pay for it if there's extra law</p> <p>9 enforcement that has to be brought in or -- or</p> <p>10 guide traffic. Just a variety of --</p> <p>11 At the end of the day, I mean, you</p> <p>12 know, we're conducting business there at the</p> <p>13 courthouse on the grounds, and so it's</p> <p>14 pretty -- pretty imperative that we protect</p> <p>15 that integrity to do that.</p> <p>16 Q. Did the sheriff raise any specific</p> <p>17 incidents that gave rise to safety concerns?</p> <p>18 A. I -- I don't recall specific -- you</p> <p>19 know, any specifics. I just haven't -- I</p> <p>20 haven't really thought about that.</p> <p>21 Q. You mentioned that the results were</p> <p>22 desired to bring your policy and the city</p> <p>23 policy in line with each other. Do you</p> <p>24 remember which aspects of the two policies that</p> <p>25 you sought to bring in alignment in March of</p>

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1 MIKE ROBERTS
2 2019?
3 A. Mainly the permitting time --
4 timeline.
5 Q. So the number of days required to
6 get a permit, or the number of days in advance
7 a permit had to be sought? Is that what you're
8 referring to?
9 A. Right. That was one of the primary
10 changes.
11 Q. Okay. And what do you recall that
12 change being?
13 A. I know we -- we went from -- I
14 think, it was a seven-day, a 30-day. And then
15 later, you know, after the sheriff had figured
16 out that he didn't need the whole 30 days, that
17 we moved it back to 14 and left some leeway
18 there to -- you know, circumstances arise that
19 somebody needed to, you know, use it at a time-
20 sensitive deal, that -- that we had that
21 ability as well.
22 Q. Okay. We'll get to the 14 in a
23 bit. I think that's a change that actually
24 took place in 2020, not 2019.
25 A. Correct.

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1 MIKE ROBERTS
2 used as a weapon.
3 Q. Okay. There's a -- there's a
4 section on page 3 of the document, which is 3
5 of 4, about security and a discussion of costs.
6 I'll let you just look at that to refresh
7 yourself.
8 Do you remember any discussion
9 about costs and spreading the cost of the
10 requesters of the permit associated with this
11 change in policy?
12 A. I'm sure we've had discussion. I
13 do -- I do remember having some. Specifics, I
14 don't. But I know we did talk about it at some
15 point. I can't remember who -- who brought it
16 up or whatever. But I know that, at some
17 point, I'm sure we had discussions about what
18 it was costing.
19 Q. Okay. Based on the policy in place
20 as of March 4th, 2019, what were the criteria
21 that the county would use to determine whether
22 or not to grant a permit for -- we'll -- we'll
23 keep it to the courthouse grounds, use of the
24 courthouse grounds.
25 A. I'm not sure what the criteria was.

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1 MIKE ROBERTS
2 Q. Do you recall, specifically to
3 2019, what the changes were that related to try
4 to bring the city and county policies in
5 alignment with one another?
6 A. The 30-day permitting. And I think
7 we may have adopted some, you know, no sticks,
8 no anything that might be used as a weapon
9 needed to be, you know, cleaned up a little bit
10 in the language. And --
11 Q. Okay. So let me just separate
12 those two. One is the 30 days, that you need
13 to apply 30 days out, right? That's one of the
14 changes you think was implemented in 2019?
15 A. I believe so. I believe so.
16 Q. And then you referred to -- to
17 sticks. By that, I think you mean, like, a
18 flagpole or -- or something like that that
19 might be used to hold a banner or flag but
20 could obviously -- well, could obviously, as
21 the whole nation has learned, be used as a
22 weapon?
23 A. Right. To the best of my
24 remembrance, that's -- we were trying to
25 prevent any type of article or -- that might be

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1 MIKE ROBERTS
2 Basically, that was, you know, a county
3 administrator function. I just -- I don't -- I
4 don't remember what guidelines they used back
5 then to decide.
6 Q. Okay. Well, who -- who did you
7 understand was empowered to make the
8 determination as to whether or not to grant a
9 permit under the March 4, 2019, version of the
10 policy?
11 A. As far as -- as far as I'm
12 concerned, still to this day, it's the county
13 administrator that made those calls.
14 Q. So not the sheriff?
15 A. I would -- no, sir. I would
16 certainly think his input, hopefully, would
17 have been valued. But at the end of the day,
18 the county administrator would be the one that
19 would have that call.
20 Q. Okay. And -- and what role, then,
21 would the board -- you and the other four
22 supervisors -- play in considering permits?
23 A. Considering them would only come
24 before us if somebody appealed, maybe, on
25 perhaps of a denial, you know, they would come

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1 MIKE ROBERTS
2 appeal that decision to us. But I don't
3 remember that ever happening.
4 Q. Okay. So let me -- so other than
5 if there was an appeal, you don't understand
6 that the board had any responsibility for
7 granting permits?
8 A. No. We -- we didn't -- we don't --
9 weren't involved in the process of granting or
10 denying permits.
11 Q. Okay. And you -- you think that
12 there is a process by which, if a permit was
13 denied, an applicant had the right to appeal to
14 the board?
15 A. That's my understanding.
16 Q. Okay. What's your understanding
17 based on?
18 A. Just conversations over the course
19 of being in this office, that if, you know, a
20 permit was denied, we have our policies and
21 procedures set up, just like we do in a
22 building -- you know, building grounds
23 or development. If somebody disagrees with a
24 planning commission decision, they always have
25 the right to appeal to us.

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1 MIKE ROBERTS
2 use document.
3 Q. Okay.
4 A. Or in the permitting process.
5 Q. Okay. You're not aware of it being
6 described in this document that we've been
7 looking at, Exhibit 2, correct?
8 A. I'd have to go -- it's been a while
9 since I've looked through it, so I'd have to go
10 back and look through it.
11 Q. Okay. Why don't you just take a
12 moment, sir? It's a four-page document. If
13 I'm miss -- I don't see it in here, but -- if
14 it's in here, I -- if we just take two or three
15 minutes or whatever you need. If you think
16 it's in here, let me know.
17 A. I'd have to take a little more
18 time, but I don't see it just scanning through
19 it.
20 Q. Okay. And, look, it -- it says
21 what it says. I'm not --
22 A. Right. That's right. That's
23 right.
24 Q. I'm not trying to make this a test
25 or anything, but -- let me ask a different

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1 MIKE ROBERTS
2 Q. Okay. You say based on
3 conversations. Conversations with who?
4 A. I'm just sure in general over the
5 course -- I couldn't remember specific names,
6 but I know that -- I'm sure, over the course of
7 two terms and starting a third one, when we
8 started adopting these, that -- that the people
9 have a right to speak. At the end of the day,
10 they elect me. So if they're not happy with
11 our committee --
12 Uh-oh.
13 Q. I'm okay.
14 A. Yeah.
15 Q. That's the benefit of remote.
16 And --
17 A. Yes. I just -- I believe they have
18 the right to appeal to us. They -- they had
19 the opportunity to vote for us or vote against
20 us, so I think they have the right to -- to
21 appeal a decision.
22 Q. Okay. And how -- how would an
23 individual whose permit was denied know they
24 had a right to appeal to you?
25 A. It should be in our public policy

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1 MIKE ROBERTS
2 question, then.
3 Other than this policy, is there
4 any means by which you think a citizen who
5 sought a permit and was denied would know that
6 they had a right to appeal to the full board?
7 A. I'm -- I would think, upon denial,
8 conversation with county administrator, you
9 know, they would be afforded that option or --
10 or let know, you know, about that option. And
11 I haven't even seen an actual permit form.
12 Maybe it's on that. I'm not -- I'm not aware.
13 I've never seen the actual permit request form.
14 But I would think that -- and hope that, upon a
15 denial of a permit, that -- that the applicant
16 was informed at that time.
17 Q. Okay. And the policy itself --
18 MR. YOUNGWOOD: Sorry.
19 Somebody else speaking? No. Just
20 an echo.
21 BY MR. YOUNGWOOD:
22 Q. The policy itself, how are the
23 people who live within the county -- how would
24 one know that this is the policy?
25 A. It's published on our web page.

<p style="text-align: right;">Page 50</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Okay. Has this policy -- we're</p> <p>3 going to go and look at -- at changes that were</p> <p>4 made last year in a little bit.</p> <p>5 (Technical discussion.)</p> <p>6 MR. YOUNGWOOD: We can go off</p> <p>7 the record and maybe take a</p> <p>8 five-minute break and let</p> <p>9 Mr. Roberts get a charger and not</p> <p>10 have a -- not have him --</p> <p>11 THE VIDEOGRAPHER: Okay. So</p> <p>12 we are -- we're going off record.</p> <p>13 The time is 10:08.</p> <p>14 (Recess from 10:08 a.m. to</p> <p>15 10:22 a.m.)</p> <p>16 THE VIDEOGRAPHER: Back on</p> <p>17 record. The time is 10:22.</p> <p>18 BY MR. YOUNGWOOD:</p> <p>19 Q. Mr. Roberts, we've obtained the</p> <p>20 binder that is more catered toward your</p> <p>21 examination, and we'll use that going forward.</p> <p>22 And what I'd actually like you to do is turn to</p> <p>23 tab 3 in it.</p> <p>24 A. 3?</p> <p>25 Q. Tab 3, yeah. I think you will see</p>	<p style="text-align: right;">Page 51</p> <p>1 MIKE ROBERTS</p> <p>2 that this is the exact -- and we're going to</p> <p>3 mark this as Exhibit 3.</p> <p>4 (Exhibit 3 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. YOUNGWOOD:</p> <p>7 Q. This is the same document that we</p> <p>8 were looking at before the break that had also</p> <p>9 been marked as Exhibit 2. But since we'll be</p> <p>10 looking at this binder, we'll use this version,</p> <p>11 which is tab 3. And it's marked as Exhibit 3,</p> <p>12 and it -- it, like the prior one, has Bates</p> <p>13 numbers on the bottom, doc6 through 10.</p> <p>14 We are going to look at further</p> <p>15 changes that the board of supervisors adopted</p> <p>16 with respect to the policy during the summer of</p> <p>17 2020 in a bit. But I want to ask you: The</p> <p>18 full policy, as -- as it appears in Exhibit 3,</p> <p>19 has that been updated? Is there a current full</p> <p>20 version of the policy?</p> <p>21 A. Yes, sir.</p> <p>22 Q. And when was that? When did that</p> <p>23 take place?</p> <p>24 A. I don't remember the date. But</p> <p>25 we -- we got all the updates posted, and I put</p>
<p style="text-align: right;">Page 52</p> <p>1 MIKE ROBERTS</p> <p>2 on our website to reflect all the changes we</p> <p>3 made. It's -- I'm trying to think when we --</p> <p>4 when we adopted it.</p> <p>5 Q. Okay. How long --</p> <p>6 A. It -- it --</p> <p>7 Q. Go ahead. Sorry.</p> <p>8 A. Sorry?</p> <p>9 Q. Go ahead. I cut you off. Please</p> <p>10 go ahead.</p> <p>11 A. No. I'm sorry. I'm just saying I</p> <p>12 don't remember a specific date, but I do -- I</p> <p>13 do know that we have -- we have included all</p> <p>14 the changes or updates we've had. And we got</p> <p>15 one document posted for public, you</p> <p>16 know, viewing.</p> <p>17 Q. Okay. And posted would be on your</p> <p>18 website?</p> <p>19 A. Yes, sir.</p> <p>20 Q. Okay. And you don't remember when</p> <p>21 that went up?</p> <p>22 A. I don't remember that date. It was</p> <p>23 at our board meeting, regular -- regular board</p> <p>24 meeting we had. I just don't remember a</p> <p>25 specific date.</p>	<p style="text-align: right;">Page 53</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Was it -- I'm -- I'm going to show</p> <p>3 you some minutes from various board meetings or</p> <p>4 minutes or other documents related to board</p> <p>5 meetings in a second. Was it after you had</p> <p>6 made all the changes at a further subsequent</p> <p>7 board meeting, or was it done in conjunction</p> <p>8 with some of the changes that were made during</p> <p>9 the summer of 2020?</p> <p>10 A. To my knowledge, I think we -- we</p> <p>11 needed one document to reflect all the changes</p> <p>12 that we made to -- you know, just to be clear</p> <p>13 with everybody. Just to have --</p> <p>14 Q. Right.</p> <p>15 A. -- everything that we -- we had</p> <p>16 made adjustments on in one document.</p> <p>17 Q. Okay. Let's go now, if we could,</p> <p>18 sir, to tab 12.</p> <p>19 A. 12.</p> <p>20 Q. So this should be a one-page</p> <p>21 document with Bates number doc52. It has on</p> <p>22 the top, Order: Amended Facility Use Policy</p> <p>23 Regarding the Use of Courthouse Grounds.</p> <p>24 Do you -- is that what you're</p> <p>25 looking at? Okay. Great.</p>

<p style="text-align: right;">Page 54</p> <p>1 MIKE ROBERTS</p> <p>2 A. Yes, sir.</p> <p>3 Q. This -- this is marked, then, as</p> <p>4 Exhibit 12.</p> <p>5 (Exhibit 12 was marked for</p> <p>6 identification.)</p> <p>7 BY MR. YOUNGWOOD:</p> <p>8 Q. Do you -- you recognize this</p> <p>9 document?</p> <p>10 A. Yes, sir.</p> <p>11 Q. What do you recognize it to be?</p> <p>12 A. Just as I read it, just an agenda</p> <p>13 item to amend the facility use policy regarding</p> <p>14 the courthouse grounds.</p> <p>15 Q. Okay. And --</p> <p>16 A. Specifically, into the four or</p> <p>17 five.</p> <p>18 Q. Okay. You voted in favor of this</p> <p>19 amendment, correct?</p> <p>20 A. I did.</p> <p>21 Q. Okay. And you -- you were -- you</p> <p>22 were the president as of the time of this</p> <p>23 amendment, correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. Okay. And I -- I may have been</p>	<p style="text-align: right;">Page 55</p> <p>1 MIKE ROBERTS</p> <p>2 confused by your prior testimony. You became</p> <p>3 president in 2020, correct?</p> <p>4 A. That's right. When this first new</p> <p>5 term started.</p> <p>6 Q. Right. Okay. Whose idea was it to</p> <p>7 make the amendments that are reflected in this</p> <p>8 document?</p> <p>9 A. We -- we made the change based off</p> <p>10 the recommendation of the sheriff, is what --</p> <p>11 what I remember bringing it up. I'm not -- I</p> <p>12 don't remember if anybody else had any input,</p> <p>13 but I know the sheriff -- we basically based it</p> <p>14 off the sheriff's recommendation.</p> <p>15 Q. Okay. And his recommendation came</p> <p>16 in the wake of protests and other events that</p> <p>17 took place in Oxford and around the country</p> <p>18 following the death of George Floyd; is that</p> <p>19 right?</p> <p>20 A. I'm not -- I'm not sure what his</p> <p>21 recommendation -- other than his law</p> <p>22 enforcement experience to us. I don't remember</p> <p>23 him mentioning anything specific.</p> <p>24 Q. Okay. What was his recommendation?</p> <p>25 A. He -- we were trying to -- to, you</p>
<p style="text-align: right;">Page 56</p> <p>1 MIKE ROBERTS</p> <p>2 know, not limit folks from being there, but,</p> <p>3 more importantly, protect the safety of the</p> <p>4 pedestrians that were using crosswalks and the</p> <p>5 business of the courthouse square. And -- so</p> <p>6 his recommendation was, you know, five or more</p> <p>7 start causing safety concerns with folks who</p> <p>8 are trying to get in and out of the courthouse</p> <p>9 to conduct business. Or just for their safety,</p> <p>10 as well, with the way the square flows traffic--</p> <p>11 wise, could lead to potential, you know,</p> <p>12 hazard.</p> <p>13 Q. Okay. And in making this</p> <p>14 recommendation, he did not cite any specific</p> <p>15 prior safety incidents involving the courthouse</p> <p>16 square, correct?</p> <p>17 A. I don't remember any -- any</p> <p>18 specifics, other than him just basing it off</p> <p>19 of -- of what -- his knowledge and years in</p> <p>20 dealing with the square and traffic and people.</p> <p>21 Q. Okay. Why was it brought to the</p> <p>22 board on the 15th of June?</p> <p>23 A. I don't know why it came on the</p> <p>24 15th, but his recommendation to us,</p> <p>25 conversations that -- over the course of time,</p>	<p style="text-align: right;">Page 57</p> <p>1 MIKE ROBERTS</p> <p>2 just -- just genuine concern for the -- the</p> <p>3 well-being of the pedestrian traffic.</p> <p>4 Q. Okay. How long --</p> <p>5 A. Whether it was -- whether it was</p> <p>6 there for, you know, sight-seeing or shopping</p> <p>7 or whether it was there to conduct business</p> <p>8 inside the courthouse or -- or register to vote</p> <p>9 or whatever it was, you know, just for the --</p> <p>10 for the safety of all of them.</p> <p>11 Q. Okay. And by -- this is your</p> <p>12 signature on the bottom of the page; is that</p> <p>13 right?</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. How often does the board of</p> <p>16 supervisors meet?</p> <p>17 A. We meet twice a month, first Monday</p> <p>18 and third Monday of the month.</p> <p>19 Q. Okay. So this -- this would have</p> <p>20 been, presumably, the second Monday in June?</p> <p>21 A. Correct.</p> <p>22 Q. Third Monday in June. Third</p> <p>23 Monday --</p> <p>24 A. Third Monday in June. I don't have</p> <p>25 a calendar in front of me, but it's -- it's not</p>

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1 MIKE ROBERTS
 2 a special-called meeting, it doesn't appear by
 3 this document. So it would be our second
 4 meeting of the month.
 5 Q. Right. Okay. And had the subject
 6 of -- of changing the policy come up previously
 7 in 2020, previous to this meeting?
 8 A. Right. There'd been conversations
 9 going on for a while about updating and
 10 changing, based off of his recommendations.
 11 Q. Okay. And if I had minutes of
 12 those prior meetings, I'd see a reflection that
 13 there was discussion of policy changes made --
 14 that appeared prior to this date in June of --
 15 let me start that question again.
 16 If I reviewed your minutes of your
 17 meetings earlier in 2020, I assume I would
 18 therefore see a reflection of a discussion
 19 regarding the policy?
 20 A. I'm not aware -- I don't know that
 21 you would or not. A lot of it's in casual
 22 conversation with him day to day. I'm not
 23 sure -- without the minutes in front of me, I'm
 24 not sure that anything in the minutes would
 25 address that.

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1 MIKE ROBERTS
 2 testified earlier that you thought the 30 days
 3 was -- was imposed back in 2019. Does this
 4 change your recollection on that topic in terms
 5 of the timing?
 6 A. Not without going back and looking
 7 at it. I'm not sure if I was speaking to your
 8 question about '15 to '19 or '19 to '20. I'm
 9 just -- based on what I can remember of the
 10 changes in the permit process, the dates
 11 specifically, I'd have to -- I'd have to go
 12 back and read some. I just -- the overall end
 13 game was the -- you know, not to get ahead of
 14 your question, but just the overall deal is
 15 from the initial time in '15 when we started
 16 the policy; to '19, we made changes; to '20, we
 17 made changes. I'm just -- my -- I remember
 18 that, eventually, we got back down to seven --
 19 I mean, 14 days.
 20 Q. Okay. Well, let's talk about what
 21 was in place here as the 15th -- on the 15th of
 22 June, 2020. This -- this addition of the
 23 30-day requirement, did it replace a different
 24 time period, or is this the first time that
 25 there was a time period applicable to permit

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1 MIKE ROBERTS
 2 Q. Okay. And you had, I think,
 3 indicated one of your duties as president was
 4 signing off on the minutes?
 5 A. It is.
 6 Q. Okay. Let's go through the changes
 7 that are effectuated in this document. So
 8 let's go to the second change first. One of
 9 the changes is this requirement of 30 days.
 10 I'm looking in the middle of the first
 11 paragraph: A permit application must be
 12 submitted at least 30 days prior to the date of
 13 the proposed use for five or more people,
 14 unless unusual circumstances makes it
 15 impossible to make application prior to 30 --
 16 to the 30-day period.
 17 Do you see that?
 18 A. I do.
 19 Q. And then it says, The board of
 20 supervisors and/or the -- and/or the sheriff
 21 shall determine whether to waive the 30-day
 22 period.
 23 Do you see that?
 24 A. I do.
 25 Q. So what -- what was -- you had

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1 MIKE ROBERTS
 2 applications?
 3 A. I don't remember the specifics of
 4 it. I know the 30-day was brought to us by the
 5 sheriff at that time, and I don't remember if
 6 it was previous that we had 30 days. The
 7 initial 30-day number came up because we were
 8 trying to coincide with the city's facility use
 9 policy, and the sheriff recommended that we be
 10 on the same page as the city.
 11 Now, time-wise -- I apologize. I
 12 just don't remember if that was the changes in
 13 '15 or -- or '19 or '20. I just remember that
 14 was the reasoning for it.
 15 Q. Okay. And so the reason, as you
 16 understood it, was simply to be consistent with
 17 the city time period?
 18 A. Yes, sir.
 19 Q. Okay.
 20 A. Originally, that's correct.
 21 Q. No other reason that you're aware
 22 of?
 23 A. Just -- just the sheriff's
 24 recommendation that we -- that we coincide with
 25 the -- you know, the city's policy.

<p style="text-align: right;">Page 62</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Okay. It allows here that the</p> <p>3 board of supervisors and/or the sheriff can</p> <p>4 waive the 30-day period.</p> <p>5 Do you see that?</p> <p>6 A. I do see that.</p> <p>7 Q. What -- what would be the criteria</p> <p>8 that the board would apply in determining</p> <p>9 whether or not to waive the 30-day period?</p> <p>10 A. Here again, I'm going to speak from</p> <p>11 what I -- you know, what -- how I interpreted</p> <p>12 it. I interpreted the conversations that I</p> <p>13 briefly remember -- and I just don't remember</p> <p>14 who said what -- but I know the -- there may be</p> <p>15 circumstances that arise that being somebody</p> <p>16 needed to demonstrate or protest or use a</p> <p>17 facility that -- that their impact was under</p> <p>18 a -- you know, a time constraint that, you</p> <p>19 know, 14 days from now, they may have lost</p> <p>20 their opportunity to accomplish what they were</p> <p>21 trying to.</p> <p>22 So that was kind of unforeseen --</p> <p>23 leave that leeway there that if -- if somebody</p> <p>24 needed to -- to use it and it was a time-</p> <p>25 restrictive event, then we would have that</p>	<p style="text-align: right;">Page 63</p> <p>1 MIKE ROBERTS</p> <p>2 ability to allow that.</p> <p>3 Q. Okay. Can you recall, while this</p> <p>4 version of the policy, the one adopted on the</p> <p>5 15th of June -- can you recall, while this</p> <p>6 version of the policy was in place, ever being</p> <p>7 asked, as a member of the board of supervisors,</p> <p>8 to waive the 30-day requirement?</p> <p>9 A. I don't remember ever being asked.</p> <p>10 Q. Okay. Before we broke, we were</p> <p>11 talking about a potential appeal process if</p> <p>12 somebody were denied a permit. And I forgot to</p> <p>13 ask you one question, which is: During your 10</p> <p>14 years on the board of supervisors, has anyone</p> <p>15 ever appealed a denial of a permit to the board</p> <p>16 of supervisors?</p> <p>17 A. Not to my knowledge that I can</p> <p>18 remember while I've served.</p> <p>19 Q. Okay. Permits have been denied,</p> <p>20 though, during your tenure, correct?</p> <p>21 A. I'm sure they have. The county</p> <p>22 administrator, I'm sure, has, but I'm not --</p> <p>23 I'm not aware of any specifics off the top of</p> <p>24 my head.</p> <p>25 Q. Okay. Well, I don't -- sir, how</p>
<p style="text-align: right;">Page 64</p> <p>1 MIKE ROBERTS</p> <p>2 familiar are you with the underlying facts</p> <p>3 related to this lawsuit?</p> <p>4 A. I wasn't until I found out we had</p> <p>5 been named in one.</p> <p>6 Q. Okay. You know -- you know who</p> <p>7 Mr. Rash is, the plaintiff in the case?</p> <p>8 A. I do not.</p> <p>9 Q. You've never met him?</p> <p>10 A. Not to my knowledge, I haven't.</p> <p>11 Q. Okay. You understand he was</p> <p>12 denied -- he was denied a permit in the summer</p> <p>13 of 2020?</p> <p>14 A. Right. I do now, but I wasn't -- I</p> <p>15 wasn't at the time, until we got notified of</p> <p>16 the lawsuit. And I didn't know.</p> <p>17 Q. Do you know if he was apprised that</p> <p>18 he had the ability to appeal the denial to the</p> <p>19 board of supervisors?</p> <p>20 A. Say that again.</p> <p>21 Q. Do you know if anyone ever told</p> <p>22 Mr. Rash that he could appeal the denial of his</p> <p>23 permit to the board of supervisors?</p> <p>24 A. I don't know if they did or not. I</p> <p>25 really don't.</p>	<p style="text-align: right;">Page 65</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Okay. And you're not aware of any</p> <p>3 appeal to the board of supervisors that he</p> <p>4 filed, correct?</p> <p>5 A. No, sir. I don't know that we've</p> <p>6 ever had an appeal.</p> <p>7 Q. Okay. If -- if you had had an</p> <p>8 appeal from Mr. Rash about the denial of his</p> <p>9 permit, would you have overturned the county</p> <p>10 administrator's decision to deny the permit?</p> <p>11 A. I have no idea. I didn't see any</p> <p>12 appeal or what it's -- what it's based on or --</p> <p>13 I don't think I can answer that is what I'm</p> <p>14 telling you. I don't know, because I didn't</p> <p>15 see -- see one.</p> <p>16 Q. Okay. Let's go to the first --</p> <p>17 we're still on Exhibit 12, the first part of</p> <p>18 the first paragraph. It refers to an amendment</p> <p>19 to the facility use policy in order to allow</p> <p>20 four people or less to use the historic</p> <p>21 courthouse outside grounds, including the area</p> <p>22 around the Confederate statue, without a</p> <p>23 permit, although said individual or group may</p> <p>24 obtain a permit in order to have exclusive use</p> <p>25 of the area. Five or more people gathering</p>

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1 MIKE ROBERTS
2 require a permit for use.
3 Do you see that?
4 A. I do.
5 Q. And so prior to this, there was no
6 specific number of people that triggered the
7 need for a permit; is that right?
8 A. Right.
9 Q. Okay. So why did you vote to
10 approve this change in the policy on the 15th
11 of June, 2020?
12 A. Recommendation of the sheriff.
13 Q. Okay. Well, so you -- you approved
14 it simply because the sheriff recommended it or
15 because you agreed with the sheriff?
16 A. The sheriff recommended it, and I'm
17 going -- I agree with trying to protect the
18 citizens' safety. And that was his
19 recommendation in order to accomplish that
20 goal, so --
21 Q. Okay. Well --
22 A. -- that's why the motion was made.
23 Q. Okay. So you thought making this
24 change would increase the safety of the
25 citizens of Lafayette County?

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1 MIKE ROBERTS
2 going to be blocking traffic, right?
3 A. Well, "a" somebody. But, there
4 again, like we spoke about earlier, I mean,
5 you're -- you're it's still -- I mean, it's not
6 a museum. I mean, it's a functioning
7 courthouse and circuit clerk's office. And if
8 you get, you know, whatever that number is --
9 and we deemed it to be five -- that can
10 interfere with our duty to provide, you
11 know, an operable courthouse and clerk's
12 office.
13 Q. Okay.
14 A. One person, perhaps. But, at the
15 end of the day, they've got -- the pictures
16 probably don't do it justice. But if you -- if
17 you see the smallness of the open area you're
18 referring to, you would definitely restrict the
19 day-to-day business of our courthouse.
20 Q. Okay. So your concern related to
21 the hours -- strike that.
22 Your concern related to not
23 interfering with the day-to-day business of the
24 courthouse?
25 A. I'm sorry, now?

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1 MIKE ROBERTS
2 A. The sheriff did, so we supported
3 him. Yes, sir.
4 Q. Okay. What was the basis for the
5 sheriff's -- what did the sheriff tell you was
6 the basis for his belief that this change would
7 improve the safety of the citizens of Lafayette
8 County?
9 A. Here again, this is my -- my
10 version of it. But, basically, if you --
11 you've been to the square, you know, the
12 traffic flow and pedestrian crosswalks, it's
13 just -- man, it's just dangerous. That's the
14 bottom line. If you -- if you -- if you get
15 it -- folks standing there and blocking, you
16 know, the walkways or traffic or somebody steps
17 around them to get around them and steps out in
18 the street then, you know, the potential for an
19 accident could happen.
20 Q. Okay. But the courthouse grounds
21 include space that isn't on the sidewalk,
22 right? There's -- there's that area within the
23 fence that we looked at, correct?
24 A. That's right.
25 Q. So somebody standing there isn't

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1 MIKE ROBERTS
2 Q. The concern --
3 A. My concern?
4 Q. The concern you just listed related
5 to the not interfering with the day-to-day
6 business and flow of pedestrians in and out of
7 the courthouse.
8 Did I understand you correctly?
9 A. Right. It definitely was a
10 concern. I mean, that's -- that's the -- you
11 know, the sheriff's recommendation to
12 protect -- protect the safety of those using
13 our courthouse facilities and grounds.
14 Specifically, the courthouse.
15 Q. Okay. So the courthouse is open,
16 absent holidays, Monday through Friday?
17 A. Yes, sir.
18 Q. What are its hours?
19 A. 8:00 to 5:00.
20 Q. So --
21 A. I don't know how many judges have
22 court at 8:00, but yes, it's open at 8:00.
23 Q. Okay. It -- it's not open at
24 7:00 p.m., for example?
25 A. No, sir.

<p style="text-align: right;">Page 70</p> <p>1 MIKE ROBERTS</p> <p>2 Q. And it's not open Saturday, Sunday,</p> <p>3 right?</p> <p>4 A. No, sir.</p> <p>5 Q. I assume it's not open, for</p> <p>6 example, next Monday, Martin Luther King Day,</p> <p>7 correct?</p> <p>8 A. It will not be.</p> <p>9 Q. Okay. So let's start with the</p> <p>10 Saturdays and Sundays. There is no courthouse</p> <p>11 business, right?</p> <p>12 A. Correct.</p> <p>13 Q. So a gathering of five or more</p> <p>14 people wouldn't interfere with courthouse</p> <p>15 business on a Saturday, right?</p> <p>16 A. I'm sorry. Do what, now?</p> <p>17 Q. Five people gathering on the</p> <p>18 courthouse lawn would not interfere with</p> <p>19 courthouse business if it were on a Saturday,</p> <p>20 right?</p> <p>21 A. The courthouse would be closed.</p> <p>22 Q. So it would -- so by definition, it</p> <p>23 wouldn't be interfering with courthouse</p> <p>24 business on a Saturday, right?</p> <p>25 A. Well, I don't know that it would be</p>	<p style="text-align: right;">Page 71</p> <p>1 MIKE ROBERTS</p> <p>2 any business there, so you're right. Yeah.</p> <p>3 Q. Okay. And -- and same thing, say,</p> <p>4 for next Monday, Martin Luther King Day,</p> <p>5 there's no courthouse business to interfere</p> <p>6 with, right?</p> <p>7 A. Right.</p> <p>8 Q. Okay. And any evening, say,</p> <p>9 7:00 p.m., there'd be no courthouse business to</p> <p>10 interfere with, right?</p> <p>11 A. They -- right.</p> <p>12 Q. Okay. Did --</p> <p>13 A. Yeah.</p> <p>14 Q. Okay. Did the sheriff offer any</p> <p>15 safety concerns associated with the use of the</p> <p>16 courthouse grounds on a weekend or a -- or a</p> <p>17 holiday?</p> <p>18 A. Absolutely.</p> <p>19 Q. Sorry?</p> <p>20 A. Yes, sir.</p> <p>21 Q. What were those?</p> <p>22 A. There again, if -- if -- if you've</p> <p>23 got the -- you know, a gathering, large</p> <p>24 gathering there, or the manpower alone, he's</p> <p>25 got 600-plus square miles to patrol, and -- and</p>
<p style="text-align: right;">Page 72</p> <p>1 MIKE ROBERTS</p> <p>2 we don't -- you know, just don't necessarily</p> <p>3 always have the manpower there. So that --</p> <p>4 that's restricting -- you know, restricting the</p> <p>5 availability itself, just not to patrol it.</p> <p>6 Q. Okay. But would you call five</p> <p>7 people a large gathering?</p> <p>8 A. Well, I mean, you've still got the</p> <p>9 sidewalks and, you know, the day-to-day</p> <p>10 traffic. So yes, five -- five could be</p> <p>11 considered that.</p> <p>12 Q. Okay. So if five people gathered</p> <p>13 on the courthouse lawn on a Saturday to have</p> <p>14 lunch together, would that be a violation of</p> <p>15 your policy?</p> <p>16 MR. O'DONNELL: Object to the</p> <p>17 form.</p> <p>18 You can answer.</p> <p>19 BY MR. YOUNGWOOD:</p> <p>20 Q. You can answer. You can answer.</p> <p>21 A. Yeah. I mean, I -- I'm not -- I'd</p> <p>22 have to go back and ask somebody, to be honest.</p> <p>23 Q. Well, you -- you approved the</p> <p>24 policy. In your mind, would that be a</p> <p>25 violation?</p>	<p style="text-align: right;">Page 73</p> <p>1 MIKE ROBERTS</p> <p>2 A. I'd have to go back and look at</p> <p>3 specifics of -- of, you know, a casual use</p> <p>4 versus something that would be obstructive to</p> <p>5 pedestrian flow and safety.</p> <p>6 Q. Okay. So casual use might be</p> <p>7 treated differently, for example, than a</p> <p>8 protest to support the continued location of</p> <p>9 the statue?</p> <p>10 MR. O'DONNELL: Object to</p> <p>11 form.</p> <p>12 You can answer.</p> <p>13 A. I mean -- I mean, I think that it's</p> <p>14 all -- all should be conducive with -- with the</p> <p>15 safety and welfare and -- of those grounds,</p> <p>16 regardless. I mean, we -- we had protests</p> <p>17 almost every day, it seemed like, for a year or</p> <p>18 so.</p> <p>19 And so, I mean, I -- I don't know</p> <p>20 that dedicating one being casual and one not</p> <p>21 casual -- for a while, it seemed normal to</p> <p>22 have -- to have folks walking around</p> <p>23 protesting, whether -- whether it was for or</p> <p>24 against a relocation or for whatever purpose</p> <p>25 they were protesting.</p>

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1 MIKE ROBERTS

2 I mean, it just seemed like a

3 normal -- normal procedure for us for a long

4 time. That's just -- I don't know if that's

5 considered casual or not, but it became normal.

6 Q. Okay. Well, it was those protests

7 for and against the statue and related issues

8 that gave rise to this amendment that we're

9 discussing, the June 20, '20, amendment,

10 correct?

11 A. No, sir. I wouldn't agree with

12 that. I would think we'd been talking about

13 getting some kind of uniformity in our facility

14 use policy for a while.

15 Q. Okay. Well -- and the uniformity

16 you're referring to is the uniformity between

17 the city and the county, right?

18 A. That's one, probably, aspect of it.

19 But, at the end of the day, we -- you know,

20 getting some kind of policy would allow our --

21 our sheriff's department to -- to, you know,

22 fulfill their obligation of security and

23 protecting courthouse property -- county

24 property.

25 Q. Okay. Well, sir, I'm correct, the

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1 MIKE ROBERTS

2 you know, secure the --

3 Q. You would agree with me that --

4 (Simultaneous speakers.)

5 BY MR. YOUNGWOOD:

6 Q. -- that five people can fit on the

7 courthouse grounds without needing to walk onto

8 the sidewalk, right?

9 A. In the -- you're talking about in

10 the grass area and the sidewalks going in

11 there?

12 Q. Well, the grass area within the

13 gates -- with the -- not gates, but the fence.

14 A. The fence?

15 Q. Yes.

16 A. Right.

17 Q. I mean, quite easily, groups of

18 five could fit within there, right?

19 A. You could.

20 Q. Okay. So what is the safety issue

21 associated with five people congregating on the

22 courthouse lawn?

23 A. I think, at that point, you're --

24 you're more addressing the issue of the use of

25 the courthouse with county business.

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1 MIKE ROBERTS

2 city doesn't have any five-or-more-person

3 restriction that ties to permit use, does it?

4 A. I'm not -- I don't know. I

5 couldn't answer that. I haven't read theirs,

6 other than --

7 Q. Okay.

8 A. -- the sheriff brought up the

9 30-day issue to begin with. We did that for

10 safety.

11 Q. Okay. Well, the -- the

12 five-or-more-person requirement implemented by

13 this amendment, that has nothing to do with the

14 city's policies, right?

15 A. Not that I'm aware of.

16 Q. Okay.

17 A. I mean, we just basically -- you

18 know, the five- -- the five-person policy

19 came -- came to light trying to keep the

20 sidewalks from being blocked and crossing

21 crosswalks out into a courthouse traffic flow

22 and business to the courthouse, the

23 pedestrians. That's where the five people

24 came -- came up, is what the number -- you

25 know, at the sheriff's recommendations to help,

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1 MIKE ROBERTS

2 Q. Okay. What -- what is the safety

3 issue associated with five people gathering on

4 the courthouse lawn on a weekend?

5 A. There again, I think it's strictly

6 the number of our law enforcement being able

7 to -- you know, having to -- having to camp out

8 there, having to watch, having to patrol that,

9 for, you know, just their own safety, as well

10 as anybody's. But, I mean, we just -- at the

11 end of the day, manpower, we don't have the

12 manpower to dictate to, you know, making sure

13 that -- that what goes on the courthouse is

14 kosher.

15 Q. Okay. What is the police manpower

16 need associated with five people having lunch

17 on the courthouse grass on a Saturday?

18 A. That's -- that's strictly at the --

19 the recommendation of the sheriff, with his

20 knowledge of law enforcement for all the years

21 is what I -- I personally go by.

22 Q. Okay. But do you, as the president

23 of the board who supported this amendment --

24 did you see a safety issue associated with five

25 people having lunch on the courthouse grass on

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1 MIKE ROBERTS
2 a Saturday?
3 A. I don't know that it's necessarily
4 a safety issue, more as it trying to be uniform
5 for the usage of the county property.
6 Q. Okay. If -- if five people were
7 gathering on a Saturday on the courthouse lawn
8 for lunch, do you understand that they would,
9 under your policy, be subject to citation or
10 arrest?
11 A. I guess, under our policy, yeah. I
12 mean, I'm assuming that that would -- that
13 would cover a Saturday lunching.
14 Q. Okay. You -- you keep mentioning
15 the sheriff, but who is it that's -- your
16 understanding, is charged with approving
17 permits once the amendment that's in Exhibit 12
18 was adopted? Who -- who approved or didn't
19 approve the permits?
20 A. My understanding, and the way it's
21 supposed to be, is county administrator does
22 that. I'm sure she gets input from our
23 sheriff's department on what's going on or
24 contacts with the university or city. But,
25 ultimately, yeah, she's -- she's -- our

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1 MIKE ROBERTS
2 I'm sorry. I didn't mean to cut
3 you off, sir.
4 A. No. I didn't say nothing.
5 Q. Do you know what the criteria are
6 that she uses in determining whether or not to
7 grant a permit?
8 A. Outside of the facility use policy,
9 I'm not aware of any; that she would just make
10 it applicable to our policy that we adopted.
11 Q. Okay. Let's move on to tab 27 of
12 your binder, which will be Exhibit 27.
13 (Exhibit 27 was marked for
14 identification.)
15 BY MR. YOUNGWOOD:
16 Q. Let me know if you recognize this
17 document.
18 A. It looks like a copy of our agenda
19 from our July 6 meeting.
20 Q. Okay. And you referred to minutes.
21 Is this what you consider to be the minutes, or
22 are there minutes --
23 A. Agenda.
24 Q. This is the agenda, but is there a
25 separate set of minutes created, perhaps? Or

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1 MIKE ROBERTS
2 administrator would be the one that approves or
3 denies.
4 Q. Okay. And what criteria would she
5 use to determine whether or not a gathering of
6 five or more people seeking to use the
7 courthouse grounds should be granted or denied?
8 A. I think she would make it
9 applicable to the facility use policy.
10 Q. Okay. And based on your
11 understanding, following this amendment,
12 what -- what would those criteria be?
13 A. In the -- in the -- by what's in
14 the document that we looked at earlier. But
15 this amendment yourself is -- is the four or
16 five with the 30-day deal at this particular
17 time, if you're talking about now.
18 Q. Okay. Let's go back to Exhibit 3,
19 which is the old version of the policy. And
20 can you tell me where in here the criteria are
21 that the administrator is supposed to use in
22 determining whether or not to grant a permit?
23 A. I don't know that it mentions it or
24 not in here.
25 Q. Okay. Do you know --

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1 MIKE ROBERTS
2 is -- or is this it?
3 A. Not in this -- not in this tab.
4 Q. Right. I'm asking you, in general,
5 are minutes created that look different than
6 this?
7 A. They look similar to what -- the
8 one we were just looking at, the one with my
9 signature --
10 Q. I see.
11 A. -- on it that you showed me
12 earlier.
13 Q. Okay. 12, that -- that's what you
14 consider to be -- that's the format of minutes?
15 A. Yes, sir. Right. Right. That
16 would be the format of the minutes that I
17 signed.
18 Q. Okay. Let's go to 27.
19 A. Okay.
20 Q. Whose handwriting is on this
21 document? Do you recognize it?
22 A. I do not.
23 Q. Okay. You attended the -- I
24 assume, the July 6th meeting?
25 A. Yes, sir.

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MIKE ROBERTS

1
2 Q. And this is likely the meeting
3 immediately following the June 15 meeting, just
4 according to your normal schedule?
5 A. As far as I know, that would be our
6 next regular-scheduled meeting. Without a
7 calendar in front -- it looks like that'd be
8 our first meeting in July.
9 Q. Yeah. I'm -- I'm looking quickly
10 at a calendar. That is a Monday -- first
11 Monday in July. So that -- that's --
12 A. Gotcha.
13 Q. First, there's discussion about the
14 Confederate -- I'm looking at the third page.
15 I'm sorry. For the record, I should say this
16 is Bates numbers doc11 to 13, and it's
17 Exhibit 27 to this deposition. There is
18 discussion -- discuss Confederate statue.
19 Do you see that?
20 A. I do.
21 Q. And then there's references to
22 individuals making statements.
23 Do you see that?
24 A. I do.
25 Q. Okay. And who are those

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1 actual motion or -- or item being considered?
2 It says here, Motion to decline to move the
3 statue from its current location.
4 Is that the question?
5 A. To my knowledge, the best I
6 remember, perhaps there was a request from the
7 public to move it, and somebody made a motion
8 to -- to deny that request.
9 Q. Okay. And you agreed with the
10 denial of that request, correct?
11 A. I did.
12 Q. Why?
13 A. I just -- personal convictions.
14 Q. What -- what are those personal
15 convictions?
16 A. I thought that perhaps the reason
17 for the request to move the statue wouldn't
18 satisfy the goal that they were trying to
19 achieve, and that was, you know, moving the
20 statue is not going to change people's hearts
21 or minds or -- or make one side right or the
22 other side wrong. But at the end of the day,
23 for me personally, who comes from a military
24 family, that is a war monument.

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1 individuals? Do you know?
2 A. Other board -- board of supervisors
3 members.
4 Q. Okay. You did not make a
5 statement?
6 A. It says I did.
7 Q. I'm sorry. Which one is you?
8 A. I'm Mike.
9 Q. Oh, I see. I didn't --
10 A. On the bottom right.
11 Q. I didn't see that as a --
12 A. Yeah.
13 Q. I didn't see that as a Mike. I'm
14 sorry. I couldn't -- I couldn't read that as a
15 Mike. I think I -- I think I read it as a
16 Willie or something. Okay. That's you.
17 Do you remember what statement
18 you -- you made on this?
19 A. I don't. I really don't.
20 Q. Okay. And then it says -- but you
21 were in favor of not moving the statue or doing
22 anything to the statue, correct?
23 A. That's correct.
24 Q. Okay. And what -- what was the

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MIKE ROBERTS

1 If you want me to elaborate, I
2 will. You know, in conversations over the
3 course of periods with several folks on both
4 sides of this argument, I firmly believe this
5 board as a whole, if they thought moving that
6 statue would heal everyone's hearts, that it
7 would have been gone.
8 But for me, the reality is there's
9 no war ever been fought for one purpose. I
10 won't sit here and try to tell you that -- that
11 slavery wasn't part of the Civil War, and which
12 that monument recognizes the -- the folks
13 who -- who gave their life for that. But what
14 I will also sit here and tell you that it was
15 not a one-issue war. That's -- that's --
16 that's proven.
17 So for me, whether you agree with
18 your neighbor on anything or not, the fact that
19 you're willing to die for that cause -- maybe
20 you were misled on the facts; maybe we disagree
21 on the facts. But at the end of the day, you
22 sacrificed your life. Maybe it was over
23 property rights; maybe it was over taxation;
24 maybe you were lied to and told that they're

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1 MIKE ROBERTS
 2 coming to take your land. I don't know. I
 3 wasn't alive back then.
 4 What I do know is moving the
 5 monument wouldn't help the folks who have hate
 6 in their heart on both sides. Sorry for the
 7 elaborate answer.
 8 Q. No. I -- I appreciate it. If you
 9 don't mind, sir, I'll ask a few follow-ups.
 10 If I hear you correctly -- and I --
 11 I don't mean to be putting words in your mouth
 12 at all, so I know you'll correct me -- but you
 13 see it as an honor to the fallen soldiers, not
 14 as an honor to the -- whatever the cause the
 15 war was about?
 16 A. I think -- I think it's a monument
 17 there to the folks who sacrificed their lives,
 18 not necessarily the -- a single-issue cause.
 19 Whatever their issue was or whatever their
 20 reason for going to fight, I don't know.
 21 Q. Okay. I -- I think I understand
 22 what you're saying.
 23 You -- you do engage in
 24 correspondence with your constituents from time
 25 to time on this subject; is that right?

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1 MIKE ROBERTS
 2 Q. And I'm sorry. I -- sir, I should
 3 know this, but I don't. Which district are you
 4 representing or what --
 5 A. Five.
 6 Q. Five. Okay. So this is actually
 7 one of -- somebody within your district. Is
 8 this somebody you know or -- or just one of
 9 your --
 10 A. I --
 11 Q. -- constituents?
 12 A. I don't. Off the top of my head, I
 13 don't know that I know her.
 14 Q. Okay.
 15 A. Or him, for that matter.
 16 Q. Did you respond to Ms. McKinney at
 17 all? I'm assuming --
 18 A. Not to my knowledge, I didn't.
 19 Q. Okay. And then if we could go to
 20 tab 21. I'm sorry. That's wrong. Tab 20.
 21 MR. YOUNGWOOD: This is, for
 22 the record, Lafayette County
 23 document 848. It's a one-page
 24 email dated the 19th of June, 2020.
 25 (Exhibit 20 was marked for

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1 MIKE ROBERTS
 2 A. I think I've gotten a ton of email
 3 from them, but other than in the boardroom and
 4 meetings, I try not to -- you know, there
 5 again, I just don't think this is a -- yes.
 6 The short answer is yes, I do correspond with
 7 my constituents from time to time.
 8 Q. Okay. And -- and I just want to
 9 show you one or two and ask you if there was
 10 any follow-up from it. If you would go to tab
 11 14.
 12 A. Did you say 14? I'm sorry.
 13 Q. Yeah. 14.
 14 A. Okay.
 15 MR. YOUNGWOOD: It has a
 16 Bates number on the bottom
 17 Lafayette County document 1262.
 18 We'll mark it as Exhibit 14.
 19 (Exhibit 14 was marked for
 20 identification.)
 21 BY MR. YOUNGWOOD:
 22 Q. This is an email you -- you and
 23 others received from Ms. McKinney.
 24 Do you see this?
 25 A. I do. I do. I'm sorry.

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1 MIKE ROBERTS
 2 identification.)
 3 BY MR. YOUNGWOOD:
 4 Q. This is from somebody named Raymond
 5 Settle. Do you know Mr. Settle?
 6 A. Not to my knowledge.
 7 Q. Okay. And he also writes about
 8 this -- this issue. Did you respond at all to
 9 this email?
 10 A. Not to my knowledge, I didn't.
 11 Q. Okay. Let's go back to the minutes
 12 that we were looking at -- or minutes is
 13 probably the wrong word. Let's go back to
 14 Exhibit 27, the agenda with the handwritten
 15 notes that we were looking at.
 16 According to the notes on this page
 17 13, following discussion of the movement of the
 18 statue and the vote, it looks like there was an
 19 executive session. Is that what the notes on
 20 the bottom refer to, where it says exec?
 21 A. That's what it appears to be.
 22 Q. Okay. Well, do you recall there
 23 being an executive session at this meeting
 24 following the vote not to move the statue?
 25 A. I mean, specifically, I'm assuming,

<p style="text-align: right;">Page 90</p> <p>1 MIKE ROBERTS</p> <p>2 just by the notes we did. But yes, to answer</p> <p>3 your question, I mean, we had so many I</p> <p>4 couldn't -- I don't want to specifically tell</p> <p>5 you yes, we made the motion to go to executive</p> <p>6 or not. But -- well, it's right there.</p> <p>7 Q. Okay.</p> <p>8 A. Yes. I would -- I would agree that</p> <p>9 this was executive session notes.</p> <p>10 Q. Okay. And it says, Facility use</p> <p>11 permit change. And then it -- like, 30 days is</p> <p>12 crossed out and -- and two weeks.</p> <p>13 Do you see that?</p> <p>14 A. I do.</p> <p>15 Q. Do you remember a discussion of</p> <p>16 that issue that -- I assume this is in relation</p> <p>17 to the time required in advance to seek a</p> <p>18 permit. Do you remember discussion of that at</p> <p>19 this meeting?</p> <p>20 A. Right. That's what I was saying</p> <p>21 earlier, that I kind of got ahead of your</p> <p>22 question on the two -- '15 and '19 -- changes.</p> <p>23 I do remember we ended up getting back to the</p> <p>24 two weeks once the sheriff had recommended</p> <p>25 that, you know, 30 days was perhaps too long,</p>	<p style="text-align: right;">Page 91</p> <p>1 MIKE ROBERTS</p> <p>2 and he felt two weeks was adequate to, you</p> <p>3 know, make a decision for safety. You</p> <p>4 know, he -- what he required to -- for safety</p> <p>5 or, you know, patrol the event or if it needed</p> <p>6 it at all. The two weeks was adequate. So</p> <p>7 yes, I do remember a discussion about this.</p> <p>8 That's why we took it back from 30 to two</p> <p>9 weeks.</p> <p>10 Q. Okay. So this is only a couple</p> <p>11 weeks after the June 15 changes, your next</p> <p>12 meeting. Between June 15 and July 6, what</p> <p>13 causes the change from -- from 30 days to two</p> <p>14 weeks?</p> <p>15 A. I don't remember anything specific</p> <p>16 other than maybe this -- you know, the sheriff</p> <p>17 decided 30 days was -- you know, we could lax</p> <p>18 that down to two weeks that -- you know, to try</p> <p>19 to not limit folks from their permit requests.</p> <p>20 Q. Okay. And then the next thing it</p> <p>21 says, Safety.</p> <p>22 Do you recall a discussion of</p> <p>23 safety at this meeting?</p> <p>24 A. I remember several, several</p> <p>25 discussions. Specifics, I don't -- you know,</p>
<p style="text-align: right;">Page 92</p> <p>1 MIKE ROBERTS</p> <p>2 I'm not sure, other than -- than on a -- you</p> <p>3 know, when you try to make these documents</p> <p>4 as -- as uniform and -- and serving as they</p> <p>5 need to be, and there's always -- that's the</p> <p>6 primary issue is the safety. When you -- you</p> <p>7 know, university, you've got kids. The city's</p> <p>8 got folks walking around the square. We have</p> <p>9 people doing business out at the courthouse. I</p> <p>10 mean -- so it's obviously -- we -- we want to</p> <p>11 keep that primary focus, you know, first.</p> <p>12 Q. Okay. But -- but there were no</p> <p>13 specific prior safety incidents raised by the</p> <p>14 sheriff at this meeting relating to the</p> <p>15 courthouse grounds, right?</p> <p>16 A. I just don't -- I don't remember</p> <p>17 anything specific to the courthouse grounds.</p> <p>18 Q. Okay. There's a reference to</p> <p>19 "after dark" underneath that. Do you remember</p> <p>20 any discussion of limitations on -- of possibly</p> <p>21 putting limitations on the courthouse grounds</p> <p>22 after dark?</p> <p>23 A. Right. And those -- those have</p> <p>24 been going on for a while. Not a lot of -- I</p> <p>25 don't know that we've ever had anybody use the</p>	<p style="text-align: right;">Page 93</p> <p>1 MIKE ROBERTS</p> <p>2 courthouse at night. I'm not -- I'm not -- off</p> <p>3 the top of my head, I don't remember anybody.</p> <p>4 But just strictly, again, I mean, from a</p> <p>5 manpower issue, it -- it seemed the sensible</p> <p>6 and common-sense thing to do was the courthouse</p> <p>7 closes, you know, and nighttime, we didn't need</p> <p>8 to have dedicated officers to staff there, you</p> <p>9 know, to protect the -- the county property.</p> <p>10 Q. Let me ask you about courthouse use</p> <p>11 at night. You're -- you're saying you don't</p> <p>12 recall any prior use of the courthouse grounds</p> <p>13 at night?</p> <p>14 A. Not to my knowledge right now, I</p> <p>15 don't. I can't -- I just don't remember it --</p> <p>16 I don't remember having it, you know, come up</p> <p>17 before.</p> <p>18 Q. Well, do you remember from last</p> <p>19 summer, sir, prior to this date, demonstrations</p> <p>20 related to the statue itself at night?</p> <p>21 A. Not at nighttime, I don't.</p> <p>22 Q. Okay. If you could turn to tab 47,</p> <p>23 please. You should find a picture behind that</p> <p>24 tab.</p> <p>25 MR. YOUNGWOOD: We'll mark</p>

<p style="text-align: right;">Page 94</p> <p>1 MIKE ROBERTS</p> <p>2 this as Exhibit 47.</p> <p>3 (Exhibit 47 was marked for</p> <p>4 identification.)</p> <p>5 BY MR. YOUNGWOOD:</p> <p>6 Q. Tell me when you're there, sir.</p> <p>7 A. I'm here. I'm here.</p> <p>8 Q. Okay. Do you -- you remember an</p> <p>9 incident last summer, 2020, where individuals</p> <p>10 projected the words "take it down" on the</p> <p>11 statue in the evening?</p> <p>12 A. I don't. I don't.</p> <p>13 Q. Okay. You don't remember this at</p> <p>14 all?</p> <p>15 A. I do not.</p> <p>16 Q. Okay. And if you turn to tab 48.</p> <p>17 MR. YOUNGWOOD: We'll mark</p> <p>18 this as Exhibit 48. Tab 49 we'll</p> <p>19 mark as Exhibit 49. And tab 50</p> <p>20 we'll mark as Exhibit 50.</p> <p>21 (Exhibit 48 was marked for</p> <p>22 identification.)</p> <p>23 (Exhibit 49 was marked for</p> <p>24 identification.)</p> <p>25 (Exhibit 50 was marked for</p>	<p style="text-align: right;">Page 95</p> <p>1 MIKE ROBERTS</p> <p>2 identification.)</p> <p>3 BY MR. YOUNGWOOD:</p> <p>4 Q. I'll represent to you, sir, these</p> <p>5 are -- these are images from before 2020 of</p> <p>6 films -- images being shown on the courthouse</p> <p>7 wall.</p> <p>8 Do you recall --</p> <p>9 MR. O'DONNELL: Object to</p> <p>10 form. Object to form.</p> <p>11 BY MR. YOUNGWOOD:</p> <p>12 Q. Okay. Do you recall, sir, in -- in</p> <p>13 years past, the courthouse exterior wall being</p> <p>14 used to display images and films?</p> <p>15 A. No, sir.</p> <p>16 Q. Okay.</p> <p>17 A. I sure don't. It's the first time</p> <p>18 I've seen that.</p> <p>19 Q. Okay. All right. Let's go back to</p> <p>20 the tab 27, then, sir. Is there anything</p> <p>21 else -- the -- and we're looking at that third</p> <p>22 page with the handwriting. Anything else about</p> <p>23 use of the courthouse after dark that you</p> <p>24 recall being discussed at this July 6th, 2020,</p> <p>25 meeting?</p>
<p style="text-align: right;">Page 96</p> <p>1 MIKE ROBERTS</p> <p>2 A. Just that we needed to update -- I</p> <p>3 just remember having the after-dark deal was a</p> <p>4 safety issue that we needed to make sure was</p> <p>5 clear in our facility use policy.</p> <p>6 Q. Okay. And that was not something</p> <p>7 that was discussed to -- to render the county</p> <p>8 policy consistent with the city policy, right?</p> <p>9 A. I -- I don't know. I don't -- I</p> <p>10 haven't read the city's policy. But no, we did</p> <p>11 it basically for the -- the safety, to make</p> <p>12 sure it was reflected in our facility use</p> <p>13 policy. Ours, not the city's.</p> <p>14 Q. Okay. But in having this</p> <p>15 discussion, the sheriff did not bring to your</p> <p>16 attention any prior safety issues specifically</p> <p>17 associated with the use of the courthouse</p> <p>18 grounds after dark, right?</p> <p>19 A. I don't remember. I don't remember</p> <p>20 any.</p> <p>21 Q. Okay. And was the words in the</p> <p>22 subject covered at that July 6th meeting, was</p> <p>23 it -- was it "after dark," or was it some other</p> <p>24 measure of time?</p> <p>25 A. I think the general consensus</p>	<p style="text-align: right;">Page 97</p> <p>1 MIKE ROBERTS</p> <p>2 was -- was dark. Later on, I think we</p> <p>3 addressed it in the policy as dusk. But the</p> <p>4 ultimate goal was to try to keep from having to</p> <p>5 patrol it or the safety of folks after -- after</p> <p>6 it was dark outside.</p> <p>7 Q. Okay. And -- and it gets dark at</p> <p>8 different times different times of the year,</p> <p>9 right?</p> <p>10 A. Right.</p> <p>11 Q. So in the summer, you could be on</p> <p>12 the -- on the summer, dark comes -- state the</p> <p>13 obvious -- comes later than it does in January?</p> <p>14 A. Correct.</p> <p>15 Q. So the -- the -- the time</p> <p>16 limitation would change depending on the month</p> <p>17 and day of the year, right?</p> <p>18 A. Right.</p> <p>19 Q. Why is that?</p> <p>20 A. The reasons you just stated,</p> <p>21 basically, is that darkness comes at different</p> <p>22 times, depending on what time of year you're</p> <p>23 in.</p> <p>24 Q. So --</p> <p>25 A. I think -- I think if you go back</p>

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2 to our original deal in 2015 or prior, we may
3 have had a 10:00 p.m. language in -- in the
4 document. Well, that doesn't necessarily apply
5 to this time of year when it's dark at 5:30.
6 So I think, in an effort to try to, you know,
7 maximize the opportunity to use the courthouse,
8 that, you know, we had to use a term that, you
9 know, meant dark at that particular time of the
10 year.
11 Q. Okay. Well, let -- let's go to
12 that -- what do you think it was, 10:00 or
13 10:30? We can look back at it. It's
14 Exhibit --
15 A. Yeah. I -- I think it was 10:00.
16 Q. Why don't -- why don't we look and
17 we can get it -- we can get it right. See if I
18 can find it as well. It's Exhibit 3, tab 3.
19 A. It says 10:00.
20 Q. Okay. So, I mean, 10:00 p.m.,
21 anytime of year, it's dark, right?
22 A. It'd be close.
23 Q. And so under this -- this version
24 of the policy, the -- the one that's tab 3, it
25 would be uniform throughout the year,

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2 A. Right. No. That -- that's it. I
3 mean, it's just the ability to patrol it,
4 manpower, and the, you know, pedestrian traffic
5 in and around the square and courthouse
6 grounds, specifically.
7 Q. Okay. The square is lit at night,
8 right?
9 A. To some degree.
10 Q. The courthouse has lights on it at
11 night, right?
12 A. Not on the building. I think
13 there's some outside ornamental lights. The
14 lamp -- you know, the streetlamps. But we
15 don't have flood lights or anything like that
16 on the building --
17 Q. Let's --
18 A. -- that I'm aware of.
19 Q. Let's -- if we could turn to tab
20 46.
21 A. Uh-huh.
22 Q. These are the same pictures that
23 you looked at earlier under 39, but we'll mark
24 this as 46.
25 (Exhibit 46 was marked for

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2 10:00 p.m., be it January or June, right?
3 A. Right.
4 Q. So what -- what's the need to
5 change that so that it changes?
6 A. It was a safety concern brought up
7 by our sheriff. And so to make it uniform, I
8 mean, it -- you know, you don't want to say
9 everything is done at 5:00, because in the
10 summertime, it very well might be -- may not be
11 dark until 9:30. So you're -- you know, you're
12 limiting the, you know, opportunity to use
13 county property. So, therefore, you needed
14 more uniform language in it, which is what we
15 were trying to accomplish, to allow the maximum
16 opportunity of usage.
17 Q. Well, if you had kept it at
18 10:00 p.m., you would have allowed the maximum
19 opportunity of usage, wouldn't you?
20 A. Not -- not for safety concerns.
21 Q. Okay. And what -- what are those
22 safety concerns? The same -- what we've
23 already discussed or any --
24 A. Yeah.
25 Q. -- that we haven't discussed?

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2 identification.)
3 BY MR. YOUNGWOOD:
4 Q. Yeah. Let's look to page B-20.
5 A. Okay.
6 Q. So if you look, sir, obviously,
7 this is daytime. Nothing is illuminated.
8 But --
9 A. Right.
10 Q. There's a street light with, it
11 looks like, four circular lights on it.
12 Do you see that?
13 A. Right.
14 Q. Those are --
15 A. I do.
16 Q. Those are illuminated at night,
17 right?
18 A. Right.
19 Q. And you see under them a kind of
20 strobe light pointed towards the courthouse?
21 A. I do. Under the --
22 Q. That's illuminated at night as
23 well, right?
24 A. I would hope so, but I'm not -- I
25 don't know if they work or don't.

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2 Q. Okay. And -- and there's also

3 ambient light in the square coming from the

4 retail establishments that -- that line the

5 square, right?

6 A. Yeah. I would assume so.

7 Q. Okay. The times of the year, at

8 least -- perhaps still today; I don't know --

9 there are holiday and other lights that are

10 strung around the square and proximate to the

11 courthouse, correct?

12 A. Yes, sir.

13 Q. Okay. And there are -- there are

14 cameras around the square that are put in place

15 by the Oxford police; is that right?

16 A. That's what I've been told. I've

17 never -- I've never had the privy to view any,

18 but yes.

19 Q. Okay. And by the way, these

20 benches we're looking at in B-20, what are the

21 benches for?

22 A. Not being ugly. I guess, to sit

23 on. I'm not trying to be ugly. I just --

24 yeah.

25 You're just asking for who, for who

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2 benches, right?

3 A. I -- not that I can currently spout

4 off the top of my head right now, no, sir.

5 Q. Okay. If we go back to tab 27,

6 Exhibit 27, that third page, there's notes on

7 the discussion of facility use permit change.

8 Do you know why, by the way,

9 this -- this discussion took place immediately

10 following the discussion of the removal of the

11 Confederate statue?

12 A. I don't remember what sparked it

13 other than -- than, you know, I would -- I

14 would probably say that the sheriff wanted to

15 update us on safety and security of the county

16 property.

17 Q. Okay. And -- and these concerns --

18 A. I don't remember specifically.

19 Q. These concerns that are being

20 raised on July 6th, 2020, they're in the wake

21 of a number of pro and con Confederate statue

22 demonstrations or marches that took place in

23 the square in the summer of 2020, right?

24 A. Yes, sir.

25 Q. Okay. And -- and that rise of

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2 uses them?

3 Q. Yeah. Yeah.

4 A. Maybe jury --

5 Q. For who?

6 A. Yeah. Maybe jury trials or -- or

7 folks, you know, registering to vote, that

8 their loved one's inside or spouse. I mean, I

9 guess they could be used for -- for numerous --

10 numerous deals.

11 Q. Yeah. And there's no posted

12 restriction on who can use them, correct?

13 A. Not to my knowledge.

14 Q. And -- and no posted notice on a

15 timing of -- of use, right?

16 A. Not -- not to my knowledge, there's

17 not.

18 Q. And -- and no posted restriction

19 that no more than four to five people can use

20 them as a group together at the same time,

21 right?

22 A. Not that I'm aware of.

23 Q. Okay. And you're not aware of any

24 safety or security incidents that have ever

25 arisen from groups of people using these

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2 number of political gatherings related to the

3 statue, that, in part, gave rise to the need to

4 revisit the facility use policy, correct?

5 A. I don't know that it would -- gave

6 rise to it. I think this has been an

7 ongoing -- you know, ongoing conversation we've

8 had about the facility use policy.

9 Like we said earlier, I think -- I

10 think it's a -- it's a working document that,

11 you know, as issues arise, you -- you know,

12 depending on what the sheriff says and the

13 security of the people using the county

14 grounds, you know, it -- it's -- obviously,

15 we've proven it -- that we can -- you know, it

16 needs changing sometimes. So, I mean, it just

17 depends on when.

18 Q. Okay. Well, the only issues that

19 had recently arisen in advance of the July 6th,

20 2020, discussion of facility use policy were

21 the protests related to -- protests and other

22 activity related to the statue, as well as the

23 nationwide reaction to the death of George

24 Floyd, correct?

25 A. I think there was -- there was just

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1 MIKE ROBERTS
2 several issues. I mean, I think it's just back
3 to what I said. It's just, you know, the
4 ongoing concern for safety, growing population.
5 We address it whether students are in town --
6 in college -- you know, in school, not in
7 school, what -- the ball game weekend, not a
8 ball game weekend. What is -- what is the
9 pedestrian traffic versus, you know, vehicular
10 traffic.
11 I think, you know, the issues
12 countrywide and -- and the stuff you're
13 referring to, I mean, it was obviously in the
14 news headlines, but that's not the only factor
15 that drove us into updating our facility use
16 policy.
17 Q. Would you agree with me that it was
18 a factor, if not the only factor?
19 A. I -- I mean, I just don't remember
20 if that's -- I don't remember us saying, this
21 is why we're -- we're changing our policy.
22 That just didn't happen, to my knowledge, in
23 any conversation that I was in.
24 Q. Well, can you identify for me
25 anything that had recently occurred related to

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1 MIKE ROBERTS
2 from Oxford, now. We get -- we get -- we get
3 some high profiles in.
4 Q. Okay. Let's go on to tab 32.
5 I'm sorry. Actually, one more
6 question -- one more set of questions on 27.
7 So let -- let's go to the last little starred
8 line here. I think it says, Anti-stick
9 provision doesn't include flags.
10 Do you see that?
11 A. I do see that.
12 Q. Okay. And I think you and I
13 started to discuss this earlier, and I think
14 maybe does this help you locate, in terms of
15 time, when the discussion came up about
16 clarifying the policy with respect to the use
17 of sticks at gatherings?
18 A. I just see it written here. I just
19 remember the conversations --
20 Q. What -- what do you --
21 A. -- in the past about it.
22 Q. What do you remember, Mr. Roberts,
23 about the conversations?
24 A. I just remember the -- the need to
25 clear up language in our facility use policy

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2 the courthouse grounds or the statue, other
3 than the gatherings related to the statue
4 itself or local and nationwide reaction to the
5 death of Mr. Floyd?
6 MR. O'DONNELL: Object to
7 form.
8 You can answer.
9 A. Specifically, I don't -- I'd have
10 to -- I'd have to stop and think. There was,
11 you know, just -- it's been a minute. But, you
12 know, there again, I mean, just the safety --
13 the safety concerns brought up when we have,
14 you know, a substantial increase in population,
15 whether it's for ball game weekend, school, a
16 protest, a demonstration, a book signing,
17 whatever it may be. That -- that always
18 exposes areas in our policies -- whether it be
19 ours, university's, or city's -- that may need
20 improvement.
21 Q. You've had safety concerns
22 associated with book signings?
23 A. Give you an example.
24 Q. Okay.
25 A. We've got some pretty big authors

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2 that would -- would help prevent, you know, any
3 kind of item or article being used as a weapon.
4 Q. And were any changes ever made to
5 the facility use policy on this front?
6 A. I think so. I think they -- I
7 think this last document we have, I think we
8 put all our changes in there to address that.
9 I think we may have even mentioned -- I'd have
10 to go back and look at it, but I think we may
11 have mentioned sizes, rectangular versus round.
12 I just -- I don't -- my memory says we -- we
13 addressed specific sizes or uses, but I'd have
14 to go back and refresh myself with the
15 document.
16 Q. I'm sorry. Which document?
17 A. The facility use policy.
18 Q. Okay. The one we've looked at is
19 tab 3, but that's dated 2019.
20 A. Right.
21 Q. So you're thinking of a different
22 version?
23 A. I'm thinking of the one that's
24 posted on our website now with all of the
25 changes we've made over the course of '15 to

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2 now.

3 Q. Okay. And -- and, sir, because

4 we're -- we're having trouble identifying what

5 you're referring to. Exactly which website are

6 you referring to?

7 A. Our county -- Lafayette County

8 website.

9 Q. What's the web -- can you be more

10 specific, what it's -- what it's called? Just

11 Lafayette County website or --

12 A. Lafayettecountymys.gov or .govms. I

13 don't -- it's in my -- it's in my browser, so

14 I -- I don't type it in every time. Try

15 lafayette -- lafayettecounty.gov, I guess,

16 maybe.

17 Q. So there's a website

18 lafayettems.com. Is that what you think it is?

19 A. Yeah. That -- that's probably it.

20 You're going to have MS on it, or -- or you'll

21 pull up somewhere else in the country.

22 Q. There must be others. Okay.

23 We'll -- we'll --

24 A. There are.

25 Q. We'll take another look during the

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2 Q. Okay. And -- and you were present

3 at that meeting, correct?

4 A. I was.

5 Q. Okay. And the action taken refers

6 to a further revision of the facility use

7 policy, right?

8 A. Right.

9 Q. And one of the changes being made

10 is to change the 30-day-in-advance requirement

11 to 14 days, right?

12 A. Correct.

13 Q. Okay. If you could, sir, keep --

14 keep that document in mind or your finger on

15 it, perhaps, easy. But also turn back to tab

16 12, which was marked as Exhibit 12. And this

17 is the June 15th change to the policy where it

18 was changed to 30 days, but you'll see that

19 there was a provision there that the 30-day

20 period could be waived either by the board or

21 by the sheriff.

22 Do you see that?

23 A. I do.

24 Q. Okay. In the -- now, going back to

25 32, which is Exhibit 32, there is -- there is

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2 break there. But Mr. Duran has not been able

3 to locate what you're looking for. We'll --

4 we'll see if we can -- if it's posted, we'll

5 pull it down and we can look at it together.

6 Let -- let's move on. Tab 32.

7 A. Okay. I'm there.

8 Q. Okay. This is a one-page document,

9 Bates number Lafayette County doc1, and it's

10 dated the 20th of July, 2020. And I -- I think

11 you've confirmed to me that that's your

12 signature on the bottom?

13 A. I did.

14 Q. Okay.

15 (Court reporter

16 clarification.)

17 MR. YOUNGWOOD: This is

18 Exhibit 32.

19 (Exhibit 32 was marked for

20 identification.)

21 BY MR. YOUNGWOOD:

22 Q. So this reflects action taken at

23 the July 20, 2020, meeting of the Lafayette

24 County board of supervisors, correct?

25 A. Yes, sir.

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2 no similar provision to allow for a waiver of

3 the time period, correct?

4 A. I don't see it there, no, sir.

5 Q. Okay. Why -- why not?

6 A. I think the 14 days kind of

7 eliminated that -- the need. But, there again,

8 that's just my -- my remembrance of it. The 14

9 days, the -- the sheriff had determined 30 days

10 was probably way more than he needed to give

11 his input to the county administrator on the

12 permitting process.

13 Q. Okay. Well, does -- does -- and

14 why do you say "the sheriff"? I thought you

15 indicated that it was the county administrator

16 who had authority to grant or deny permits.

17 A. Do what, now?

18 Q. Let me ask a different question.

19 A. Okay.

20 Q. Why are 14 days needed to consider

21 permit application?

22 A. That was the adequate time

23 recommended to us that law enforcement needed

24 to -- to review the event.

25 Q. Why did they need 14 days?

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2 A. To get -- you'd have to ask them.

3 That -- they started out at 30; they got down

4 to 14. We wanted to try to lax the -- the

5 amount of time to, you know, offer folks more

6 opportunity to be permitted. But, evidently,

7 they -- you know, that's what they recommended

8 they needed to -- to get with the other

9 entities that run this county.

10 Q. Okay. But, why --

11 A. There again, I'd -- you'd have to

12 ask -- you'd have to ask him. I'm not sure

13 where he came up with 14 days from. But that's

14 what his recommendation was, and that's what we

15 moved it to.

16 Q. Okay. But why not 10 days?

17 A. There again, because that's what he

18 recommended.

19 Q. You -- you didn't probe him on the

20 basis for the recommendation?

21 A. I -- to my -- what I remember is

22 that he said that 14 days was -- was time

23 enough for him to review the event and get with

24 the other people.

25 Q. Okay. Did you ask him if -- if

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2 it's -- it's just not in that -- the minutes

3 you're referring to on tab 32.

4 Q. What -- where else would I like to

5 find that you could waive the 14 days?

6 A. In the published minutes online.

7 I'm trying to think where else you may find

8 them. I mean, but all of our minutes are

9 published on our website as well.

10 Q. Okay. Let -- let's go -- so it's

11 your understanding, sir, that that 14-day

12 period can be waived?

13 A. It's my understanding, yes, sir.

14 Q. And who has the power to waive it?

15 A. The county administrator who's

16 reviewing the -- you know, the permit.

17 Q. Okay. How about the board of

18 supervisors?

19 A. I think -- our only -- you know,

20 our only action would be if somebody appealed a

21 denial.

22 Q. Okay. We've -- we've discussed

23 that.

24 A. Right.

25 Q. Let's go to the other change here.

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2 less time might also be adequate?

3 A. I don't remember. But we still

4 had -- you know, we got the waiver -- waiver

5 process is still -- you know, still there.

6 Q. Well, I'm sorry. Where --

7 A. I mean, he had --

8 Q. I mean -- finish your answer, sir.

9 Sorry.

10 A. I'm just saying, I mean, the -- I

11 didn't ask about the 10 days or why 30 days.

12 He gave the 14. We still have the -- you know,

13 the waiver process is in place. So, I mean, if

14 it needed to be ten and we saw that we could

15 waive that process and let them do it in 10,

16 then -- then I'm sure, you know, we'd do all we

17 could to -- to make that happen.

18 Q. But, sir, we just looked. The

19 waiver provision, which had been in the June

20 '15 version of the revisions to the policy,

21 were -- was removed from the July '20 version

22 of the policy, right?

23 A. I don't think it's been removed; it

24 just wasn't in that minutes. But I'd have

25 to -- I'd have to go back and -- and look. But

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2 There's reference to 30 minutes before dusk.

3 Do you see that?

4 A. I do.

5 Q. When's dusk?

6 A. My interpretation, dusk is complete

7 darkness.

8 Q. Okay. So complete darkness would

9 be some amount of time after sunset; is that

10 fair to say?

11 A. Whenever the complete darkness is.

12 Q. Well --

13 A. You know, it's different.

14 Q. Is complete darkness before or

15 after sunset?

16 A. After.

17 Q. Okay.

18 A. Yeah.

19 Q. And is -- is the timing of dusk --

20 strike that.

21 How long after sunset, on a typical

22 day, is -- is complete darkness?

23 A. I'm not sure what a typical day is.

24 For me, my -- my opinion of dusk is when

25 there's no more sunlight, whether it's ambient

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2 or visible. It's got to be dark outside.
3 Q. Okay. And -- and if I were in
4 Oxford today, how would I figure out when it's
5 dusk?
6 A. When it's completely dark outside
7 with no sunlight visible. Or light from the
8 sun, whether it's setting or already set.
9 Q. Okay. And do you know what time
10 that is today?
11 A. I do not.
12 Q. Okay. And the policy doesn't say
13 "at dusk," it says "before dusk," right? 30
14 minutes before dusk.
15 Do you see that?
16 A. I do.
17 Q. Why?
18 A. I would think, you know, just for
19 the safety of everyone. You don't want people
20 trying to, you know, leave their function or
21 whatever, after it's -- after it's dark. There
22 again, if you've been to the square, you're
23 trying to get off the courthouse grounds at
24 nighttime -- it's hard enough during the day,
25 but you're trying to walk across the street,

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1 MIKE ROBERTS
2 actual time frame, the 30 minutes before dusk.
3 I think the agreeance was that you need to be
4 out of there by dark, so you say 30 minutes
5 before dusk.
6 Q. Okay. Why was the word "dusk" used
7 instead of "dark"?
8 A. Just -- I mean, just a technical
9 term that -- that -- you know, sunset -- sunset
10 may be interpreted different at different times
11 and places. Dusk -- dusk is dusk whether we're
12 in New York or we're in Oxford.
13 Q. Okay. And did the sheriff
14 recommend that there be no exception to this
15 timing requirement, 30 minutes before dusk?
16 A. I don't remember him asking for any
17 exceptions.
18 Q. Okay. Have you ever reviewed a
19 permit, sir?
20 A. I have not.
21 Q. Okay. Have you even ever seen one?
22 A. Not that I -- not that I'm aware
23 off the top of my head. I don't remember ever
24 seeing one.
25 Q. Okay. Why don't we take a bit of a

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2 back to your cars or wherever you're going and
3 it's -- and it's black dark outside, the -- the
4 risk of accidents increases, no doubt.
5 So it's basically to give the --
6 you know, the permitted person or group an
7 opportunity to dismiss their activities in a
8 safe manner.
9 Q. Okay. Can the 30-minutes-before-
10 dusk requirement be waived by the board?
11 A. I don't know.
12 Q. Okay.
13 A. I don't know.
14 Q. Can it be waived by the county
15 administrator?
16 A. I -- I don't know. I wouldn't
17 think so.
18 Q. Okay. Can it be waived by the
19 sheriff?
20 A. No.
21 Q. Okay. Are -- and did the sheriff
22 recommend that -- were these -- were these
23 words the sheriff's exact recommendation, 30
24 minutes before dusk?
25 A. I don't remember who made the

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2 break, maybe five, 10 minutes, if that's okay?
3 We've been going for a bit.
4 MR. O'DONNELL: That will be
5 fine.
6 A. Whatever -- whatever's good with
7 you guys.
8 MR. YOUNGWOOD: Okay. That's
9 good. And we're going to work
10 to -- to get you out of here within
11 the next hour. Okay?
12 THE VIDEOGRAPHER: We are
13 going off record. The time is
14 11:36.
15 (Recess from 11:36 a.m. to
16 11:51 a.m.)
17 THE VIDEOGRAPHER: Back on
18 record. The time is 11:51.
19 BY MR. YOUNGWOOD:
20 Q. Okay. Mr. Roberts, I'd like to
21 direct your attention to tab 29 of your binder.
22 A. You said 21?
23 Q. 29, sir.
24 A. 29. Okay. I'm there.
25 MR. YOUNGWOOD: So we'll mark

<p style="text-align: right;">Page 122</p> <p>1 MIKE ROBERTS</p> <p>2 this as Exhibit 29. It's Bates</p> <p>3 number Lafayette County doc30.</p> <p>4 (Exhibit 29 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. YOUNGWOOD:</p> <p>7 Q. Have you ever seen this before?</p> <p>8 MR. YOUNGWOOD: I'm not sure</p> <p>9 if we're having a connectivity</p> <p>10 problem.</p> <p>11 (Technical discussion.)</p> <p>12 THE VIDEOGRAPHER: So we're</p> <p>13 going to go off record?</p> <p>14 MR. YOUNGWOOD: Yeah.</p> <p>15 THE VIDEOGRAPHER:</p> <p>16 Okay. We're going off record. The</p> <p>17 time is 11:52.</p> <p>18 (Off-the-record discussion</p> <p>19 from 11:52 a.m. to</p> <p>20 11:53 a.m.)</p> <p>21 THE VIDEOGRAPHER: Back on</p> <p>22 record at 11:53.</p> <p>23 BY MR. YOUNGWOOD:</p> <p>24 Q. Okay. Mr. Roberts, I'm not sure</p> <p>25 where we lost each other, but we're going to</p>	<p style="text-align: right;">Page 123</p> <p>1 MIKE ROBERTS</p> <p>2 look at tab 29, which is Exhibit 29, Lafayette</p> <p>3 County doc30.</p> <p>4 A. I'm there.</p> <p>5 Q. Okay. And when we lost connection,</p> <p>6 I was asking you to look at this document and</p> <p>7 tell me if you've seen it before.</p> <p>8 A. Not to my knowledge, I haven't.</p> <p>9 Q. Okay. It is the denied application</p> <p>10 of Mr. -- Mr. Rash for a permit on August 8th,</p> <p>11 2020. Were you consulted at all with the</p> <p>12 decision by the county administrator to deny</p> <p>13 this request?</p> <p>14 A. No, sir. I wasn't involved in</p> <p>15 it -- in it.</p> <p>16 Q. Okay. Do you have any information</p> <p>17 whatsoever as to why the request was denied?</p> <p>18 A. No. Not to my knowledge.</p> <p>19 Q. Okay. And -- and we've discussed a</p> <p>20 few times the appeal, the -- you know, whether</p> <p>21 or not there's a possibility for an appeal. Do</p> <p>22 you see anything on this form that would</p> <p>23 indicate to somebody that they could appeal to</p> <p>24 the board of supervisors with respect to the</p> <p>25 permit denial?</p>
<p style="text-align: right;">Page 124</p> <p>1 MIKE ROBERTS</p> <p>2 A. I don't see any. All I see is the</p> <p>3 waiver option, but I don't see an appeals</p> <p>4 notification.</p> <p>5 Q. I'm sorry. By "waiver," what are</p> <p>6 you referring to?</p> <p>7 A. I was just -- I was saying I see in</p> <p>8 the -- in the language there, it says the</p> <p>9 30-day --</p> <p>10 Q. Can be waived. Okay. I</p> <p>11 understand.</p> <p>12 A. Right. But I don't see the -- to</p> <p>13 answer your question, I don't see the appeals</p> <p>14 language.</p> <p>15 Q. Okay. Do you know why this permit</p> <p>16 was denied?</p> <p>17 A. Doesn't -- didn't conform with our</p> <p>18 facility use project -- or --</p> <p>19 Q. Okay.</p> <p>20 A. -- policy.</p> <p>21 Q. And this is a permit for -- for</p> <p>22 nighttime use, right?</p> <p>23 A. Yeah. That's what -- it says on</p> <p>24 here, 8:00 -- yeah, 8:00 p.m. to 11:00.</p> <p>25 Q. Okay. And following July 20 of</p>	<p style="text-align: right;">Page 125</p> <p>1 MIKE ROBERTS</p> <p>2 2020, nighttime use of the courthouse grounds</p> <p>3 was prohibited under your policy, right?</p> <p>4 A. Right.</p> <p>5 Q. And so had there been some appeal</p> <p>6 to the board of supervisors, do you believe you</p> <p>7 would have had discretion to waive that</p> <p>8 nighttime use restriction?</p> <p>9 A. The board -- the way -- way I</p> <p>10 understand the appeals process, the board could</p> <p>11 have waived the -- granted the permit if they</p> <p>12 had deemed it, you know, appropriate.</p> <p>13 Q. Okay. Well, what criteria would</p> <p>14 you have used to determine whether or not</p> <p>15 Mr. Rash could have had an event on the</p> <p>16 courthouse grounds on August 8, 2020, at night?</p> <p>17 A. I would -- I would have used our</p> <p>18 facility use policy and, you know, obviously</p> <p>19 gotten some input from law enforcement,</p> <p>20 depending on what it was. I'd just have -- I'd</p> <p>21 have had to have seen this information or, you</p> <p>22 know, heard from Mr. Rash or see what kind</p> <p>23 of -- without the information, it'd be hard for</p> <p>24 me to give you a would I have granted it or</p> <p>25 wouldn't have been in favor of it. I'd have</p>

<p style="text-align: right;">Page 126</p> <p>1 MIKE ROBERTS</p> <p>2 had to have known, you know, what it</p> <p>3 entailed --</p> <p>4 Q. Okay. And -- and you say you would</p> <p>5 have consulted with the facility use policy.</p> <p>6 The facility use policy would have -- would bar</p> <p>7 any nighttime use whatsoever. So would --</p> <p>8 would that mean --</p> <p>9 A. Right. (Indiscernible).</p> <p>10 Q. -- you would have denied his</p> <p>11 permit?</p> <p>12 (Simultaneous speakers.)</p> <p>13 A. Right. So just looking at it on</p> <p>14 the surface without, you know, knowing all the</p> <p>15 details and information, I, you know -- more</p> <p>16 than likely, the 8:00 p.m. to 11:00 p.m., it's</p> <p>17 just safety concerns on that square at</p> <p>18 nighttime are the primary reason we had it to</p> <p>19 begin with, to bar it. So I can't, you know --</p> <p>20 I just -- without the -- more information of</p> <p>21 his -- his request, my initial knee jerk is</p> <p>22 8:00 p.m. to 11:00, that it would have not been</p> <p>23 safe for spectators or -- or anybody else, for</p> <p>24 that matter. But --</p> <p>25 Q. Okay. You'd agree with me that</p>	<p style="text-align: right;">Page 127</p> <p>1 MIKE ROBERTS</p> <p>2 if -- if Mr. Rash's goal was to display movies</p> <p>3 or video on the courthouse exterior wall, the</p> <p>4 only time he could have done that would be when</p> <p>5 it was dark outside, right?</p> <p>6 A. I don't know, now. I'm not privy</p> <p>7 enough to know enough about projections and all</p> <p>8 that. I don't -- I don't know. I wouldn't say</p> <p>9 that was the only time he could do it, but --</p> <p>10 Q. You -- you think he could have</p> <p>11 displayed movies on a white wall during the</p> <p>12 daytime, and people would be able to see them?</p> <p>13 A. Never -- never tried it myself. I</p> <p>14 don't know.</p> <p>15 Q. Okay. Let's go to the prior tab,</p> <p>16 tab 28.</p> <p>17 A. 28.</p> <p>18 Q. This is a set of emails exchanged</p> <p>19 between Ms. Carwyle -- she's the county</p> <p>20 administrator, right?</p> <p>21 A. Correct.</p> <p>22 Q. And -- and Mr. Rash. You'll see</p> <p>23 that. And Mr. East, who's -- Sheriff East is</p> <p>24 on at least one of them.</p> <p>25 Do you see?</p>
<p style="text-align: right;">Page 128</p> <p>1 MIKE ROBERTS</p> <p>2 A. I do. I do.</p> <p>3 Q. If you look at the bottom -- have</p> <p>4 you ever seen these -- this exchange before?</p> <p>5 A. I have not. I don't remember it.</p> <p>6 MR. YOUNGWOOD: This is tab</p> <p>7 28. We'll mark it as Exhibit 28.</p> <p>8 It's Lafayette County doc28.</p> <p>9 (Exhibit 28 was marked for</p> <p>10 identification.)</p> <p>11 BY MR. YOUNGWOOD:</p> <p>12 Q. On the bottom email, Ms. Carwyle</p> <p>13 says, Please see the attached permit. I've</p> <p>14 denied the permit due to a change in the</p> <p>15 county's permit policy. No permit shall be</p> <p>16 issued after dusk due to security issues.</p> <p>17 Do you -- you see that?</p> <p>18 A. I do.</p> <p>19 Q. And -- and do you believe that was</p> <p>20 a -- that's a correct statement of the county's</p> <p>21 policy after the July 20, 2020, amendments?</p> <p>22 A. In reference to the -- to the dusk?</p> <p>23 Q. Yes.</p> <p>24 A. Right. I believe that's what our</p> <p>25 policy is intended to reflect, that no permits</p>	<p style="text-align: right;">Page 129</p> <p>1 MIKE ROBERTS</p> <p>2 or usage of, you know, courthouse grounds</p> <p>3 specifically will be issued for after dusk --</p> <p>4 Q. Okay.</p> <p>5 A. -- 30 minutes.</p> <p>6 Q. And -- and you'd agree with me that</p> <p>7 her -- her conveying of this policy indicates</p> <p>8 that there's no discretion here. They'll --</p> <p>9 they'll -- all such requests would be denied if</p> <p>10 they were for the time period after dusk?</p> <p>11 MR. O'DONNELL: Object to</p> <p>12 form.</p> <p>13 A. Reading the email at face value,</p> <p>14 that's -- that's the way I would read it.</p> <p>15 Q. Okay.</p> <p>16 A. Now, there again, you know, to me,</p> <p>17 whoever followed the permit application, it --</p> <p>18 it gives him the right to waiver.</p> <p>19 Q. Okay. And in the top email, she</p> <p>20 elaborates. She says, The Courthouse grounds,</p> <p>21 including the statue area, are closed for any</p> <p>22 gathering after dark, regardless of permit</p> <p>23 requirements. So you would not be allowed to</p> <p>24 be on the grounds from 30 minutes prior to dusk</p> <p>25 to sunrise.</p>

<p style="text-align: right;">Page 130</p> <p>1 MIKE ROBERTS</p> <p>2 Do you see that?</p> <p>3 A. I do.</p> <p>4 Q. And, again, she -- she does not</p> <p>5 indicate that there's any discretion in</p> <p>6 granting a permit for a time period after dusk,</p> <p>7 correct?</p> <p>8 A. I don't know. I mean, yeah, just</p> <p>9 judging by the email.</p> <p>10 Q. Okay. And she does not tell</p> <p>11 Mr. Rash, for example, that he can appeal the</p> <p>12 denial to the board of supervisors or anyone</p> <p>13 else, correct?</p> <p>14 MR. O'DONNELL: Object.</p> <p>15 Object to form.</p> <p>16 A. According to this email, I don't</p> <p>17 see where she says that in there. I don't know</p> <p>18 what she -- you know, I'm not privy to their</p> <p>19 conversation, if they had any. But no, not by</p> <p>20 this email.</p> <p>21 Q. Okay. Since the end of July 2020,</p> <p>22 has the county granted any permits for use of</p> <p>23 the courthouse grounds after dusk?</p> <p>24 A. Not to my knowledge, no, sir.</p> <p>25 Q. Sir, can you think of occasions on</p>	<p style="text-align: right;">Page 131</p> <p>1 MIKE ROBERTS</p> <p>2 which Ms. Carwyle has informed you of permit</p> <p>3 requests?</p> <p>4 A. Maybe after the fact, she would</p> <p>5 send something to let us know who's -- who's</p> <p>6 coming or not coming. But as far as in the</p> <p>7 process of approving or denying, no, I don't</p> <p>8 have any communications with her that I'm aware</p> <p>9 of.</p> <p>10 Q. Okay.</p> <p>11 A. Perhaps she's sent me something</p> <p>12 letting us know -- you know, letting the board</p> <p>13 know who was coming or who wasn't coming or</p> <p>14 just a heads-up or --</p> <p>15 Q. Okay. So --</p> <p>16 A. -- whatever.</p> <p>17 Q. And -- and so she -- she doesn't</p> <p>18 consult with you on granting or denying</p> <p>19 permits?</p> <p>20 A. No, sir.</p> <p>21 Q. Okay. And I think I maybe have one</p> <p>22 example of who you just referred. If you could</p> <p>23 turn to tab 18, which we'll mark as Exhibit 18,</p> <p>24 Lafayette County 261 to 266. When you're</p> <p>25 there, I'm going to refer you within the</p>
<p style="text-align: right;">Page 132</p> <p>1 MIKE ROBERTS</p> <p>2 document. So not -- not -- you're welcome to</p> <p>3 look at anything, but not to the very top.</p> <p>4 (Exhibit 18 was marked for</p> <p>5 identification.)</p> <p>6 BY MR. YOUNGWOOD:</p> <p>7 Q. So if you look at page 265.</p> <p>8 A. Okay.</p> <p>9 Q. She sends an email June 18, 2020.</p> <p>10 In the "to" line, it says, Supervisor. Is that</p> <p>11 a group email list of some sort that includes</p> <p>12 you and your fellow supervisors?</p> <p>13 A. I think that's how she has us</p> <p>14 listed, yes.</p> <p>15 Q. Okay. And she attaches this next</p> <p>16 page, an approved permit.</p> <p>17 Do you see that?</p> <p>18 A. I do.</p> <p>19 Q. Okay. And this is for an</p> <p>20 individual named Tim Warren who was granted a</p> <p>21 permit?</p> <p>22 A. Right.</p> <p>23 Q. Do you see that? Do you know who</p> <p>24 Mr. Warren is?</p> <p>25 A. Yeah. I know -- I know of him.</p>	<p style="text-align: right;">Page 133</p> <p>1 MIKE ROBERTS</p> <p>2 Q. What do -- what do you know of him?</p> <p>3 A. He's probably not a big fan of</p> <p>4 mine. He doesn't -- doesn't really like me too</p> <p>5 much. But yeah, I know who he is.</p> <p>6 Q. Okay. What -- what -- I'm not --</p> <p>7 I'm not trying to get that much detail, but</p> <p>8 what -- why do you think he's not a fan of</p> <p>9 yours?</p> <p>10 A. Short version is when I first ran</p> <p>11 for office, he's in my district, and I didn't</p> <p>12 comply with one of his requests on a road that</p> <p>13 he wanted done and, since then, has not ever</p> <p>14 spoke to me politely again.</p> <p>15 Q. And -- and Mr. Warren has, are you</p> <p>16 aware, somewhat extreme views on certain racial</p> <p>17 issues?</p> <p>18 A. I really don't -- I don't. I don't</p> <p>19 know what -- what his views are. We don't</p> <p>20 really speak.</p> <p>21 Q. Okay. If you could just turn</p> <p>22 quickly to tab 17, which we'll mark as</p> <p>23 Exhibit 17. It doesn't have any Bates numbers,</p> <p>24 but it's a collection of social media posts.</p> <p>25 (Exhibit 17 was marked for</p>

<p style="text-align: right;">Page 134</p> <p>1 MIKE ROBERTS</p> <p>2 identification.)</p> <p>3 BY MR. YOUNGWOOD:</p> <p>4 Q. Do you see Mr. Warren's name in</p> <p>5 this -- this picture?</p> <p>6 A. I do. I do.</p> <p>7 Q. Had you -- were you aware of</p> <p>8 Mr. Warren being associated with this picture</p> <p>9 previously?</p> <p>10 A. No.</p> <p>11 Q. Okay. Going back to tab 18, which</p> <p>12 is Exhibit 18, and the page that we were</p> <p>13 looking at, 265, do you know if Mr. Warren's</p> <p>14 event ended up going forward?</p> <p>15 A. I don't think it did. I'm trying</p> <p>16 to remember the details, but I don't know -- I</p> <p>17 don't know if -- or what happened. But I don't</p> <p>18 remember it being -- it ever happening.</p> <p>19 Q. Okay.</p> <p>20 A. I don't know that it -- I don't</p> <p>21 know that it did happen.</p> <p>22 Q. Okay. You'll see that the permit</p> <p>23 is marked as "granted."</p> <p>24 Do you see that?</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 135</p> <p>1 MIKE ROBERTS</p> <p>2 Q. Okay. Was it -- was it events like</p> <p>3 the one Mr. Warren wanted to hold that played</p> <p>4 some role in the change to the facility use</p> <p>5 policy during the summer of 2020?</p> <p>6 A. No. Nothing specific to that.</p> <p>7 MR. YOUNGWOOD: Okay. We</p> <p>8 were able to locate a different</p> <p>9 version of the application that is</p> <p>10 on the website. I'm wondering,</p> <p>11 Raul, if you could just email that</p> <p>12 to the -- to the folks on -- on the</p> <p>13 deposition. Or you could give it</p> <p>14 to me, and I could -- you could --</p> <p>15 you could put it into the chat, and</p> <p>16 I could maybe just share it, if you</p> <p>17 could give me a .pdf of it. I'm</p> <p>18 just trying to not waste time doing</p> <p>19 this. I won't have many questions.</p> <p>20 (Technical discussion.)</p> <p>21 MR. YOUNGWOOD: So I'm going</p> <p>22 to -- we're going to mark what was</p> <p>23 just put into the chat as</p> <p>24 Exhibit 53, because there's no tab</p> <p>25 53.</p>
<p style="text-align: right;">Page 136</p> <p>1 MIKE ROBERTS</p> <p>2 (Exhibit 53 was marked for</p> <p>3 identification.)</p> <p>4 BY MR. YOUNGWOOD:</p> <p>5 Q. It's in the chat. I'm going to</p> <p>6 share my screen. Can you see what I -- are you</p> <p>7 able to see what I put up, Mr. Roberts?</p> <p>8 A. I can. I can.</p> <p>9 Q. Okay. So we -- we, during -- we</p> <p>10 were able to pull this down. Is it large</p> <p>11 enough for you to read it, or do you want me to</p> <p>12 enlarge it?</p> <p>13 A. I think so. I gotcha.</p> <p>14 Q. Okay. I'll just make it</p> <p>15 slightly -- there. Maybe that helps.</p> <p>16 A. There you go.</p> <p>17 Q. The -- the change that seems to be</p> <p>18 made -- and I'm not representing there aren't</p> <p>19 others, but the change is -- if you look, for</p> <p>20 example, at -- sorry -- tab -- tab 29, which is</p> <p>21 Exhibit 29 we just looked at. That was</p> <p>22 Mr. Rash's application that was made on the</p> <p>23 14th of July, 2020, and there was the reference</p> <p>24 to the 30 days.</p> <p>25 A. Right.</p>	<p style="text-align: right;">Page 137</p> <p>1 MIKE ROBERTS</p> <p>2 Q. You'll see on what's now been</p> <p>3 marked as Exhibit 53, which, again, we pulled</p> <p>4 off your website just today, it refers to the</p> <p>5 14 days.</p> <p>6 Do you see that?</p> <p>7 A. I do.</p> <p>8 Q. And that -- that's the change from</p> <p>9 30 to 14 that was done on July 20, 2020, right?</p> <p>10 A. Right.</p> <p>11 Q. Okay. And you had said that that,</p> <p>12 too, you thought could be waived, and this form</p> <p>13 does indicate it can be waived. You were</p> <p>14 correct on that.</p> <p>15 A. Well, good. Good. I just didn't</p> <p>16 remember us taking the -- the waiver ability</p> <p>17 out, but --</p> <p>18 Q. Okay.</p> <p>19 A. -- I'm glad you found it.</p> <p>20 Q. Okay. Well, yeah. I'm -- I'm</p> <p>21 often wrong, Mr. Roberts. I try to check</p> <p>22 before I -- before I say I'm right.</p> <p>23 So my -- a couple questions,</p> <p>24 though. Any -- do you believe that this is the</p> <p>25 current form that's available to individuals</p>

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1 MIKE ROBERTS

2 who want to seek a permit related to the

3 courthouse?

4 A. I would assume so, but I don't know

5 a hundred percent. But I would hope that this

6 is our most current form.

7 Q. Okay. And have you ever been asked

8 to waive the 14-day requirement?

9 A. I haven't, no, sir.

10 Q. Okay. You're not aware of the

11 supervisors ever being asked to, are you?

12 A. No. This is the county

13 administrator would be who they would ask. I

14 haven't -- I don't know that we --

15 Q. Okay.

16 A. I know I haven't. The board's

17 never been asked --

18 Q. If you --

19 A. -- to waive it.

20 Q. If you were asked, what criteria

21 would you use to determine whether or not the

22 time should be shortened to less than 14 days?

23 A. Yeah. I would -- you know, we'd

24 have to go back and make sure the sheriff

25 was -- was good with it, just to make sure for

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1 MIKE ROBERTS

2 Q. Okay. It says, Rules of courthouse

3 grounds. The undersigned understands no one is

4 allowed to block the sidewalk walking up to and

5 around the statue.

6 What's the reason for that rule?

7 A. Because we have the -- you know,

8 four people without the permit is pretty much

9 all that's going to be allowed, you know -- or

10 can be there without blocking it. And so just

11 for the safety of -- of crosswalks, courthouse

12 grounds, just the use, I mean, you just don't

13 want that congestion there the way that the

14 sidewalks and stuff run around the grounds.

15 Q. Okay. And it says, No one is

16 allowed to stand or climb on the statue.

17 Do you understand what the purpose

18 of that rule is?

19 A. It's protected by history and

20 archives. It's safety.

21 Q. Okay. On -- on the bottom --

22 A. It's numerous.

23 Q. I'm sorry. I didn't mean to cut

24 you off.

25 On the bottom under permit, there's

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1 MIKE ROBERTS

2 safety protocol that -- that he had time. I

3 mean, you know, there -- there may be a time

4 that the -- I don't know -- Girl Scouts want to

5 sell cookies on there, and they don't --

6 they've got to do it this weekend. And the

7 sheriff says, Yeah, that's fine; I can handle

8 it. And it may be some time when 500 people

9 want to come into town, and he says, you know,

10 14 days, I've got to have to get my people in

11 place and -- and, you know, staff it. So I

12 think depending on what he said.

13 Q. Okay. And you'd agree with me,

14 sir, other than saying that the board or the

15 sheriff have the ability to waive the 14-day

16 requirement, there's no indication on this form

17 that the board or the sheriff or anyone have

18 the ability to waive any other requirements

19 that are associated with the facility use

20 policy as it applies to the courthouse?

21 A. I don't -- I don't see anything on

22 there that you have on that screen, but --

23 Q. Okay. And I'm happy to scroll

24 down. There's not much --

25 A. Yeah. I'm with you. I'm with you.

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1 MIKE ROBERTS

2 a box for granted and a signature line for the

3 county administrator. There's also a line for

4 denied, and it says, See attached.

5 Do you see that?

6 A. Right.

7 Q. What -- what do you understand the

8 reference to "see attached" to be for?

9 A. Actually, I don't know. I don't

10 know what -- what -- unless -- unless she puts

11 a -- you know, goes into depth or something, I

12 don't know what the attached would be.

13 Q. Okay. Would you think, perhaps,

14 it's -- it's a requirement that if anytime the

15 permit is denied, there be a written

16 explanation of such denial?

17 A. I think it would -- you know, would

18 be in the best interest of public relations to

19 let them know why they're denied.

20 MR. YOUNGWOOD: Okay.

21 Unless, Josh or Raul, you want to

22 talk, I don't -- and I'm missing

23 something, I don't -- we can go off

24 the record and do that, but I don't

25 have any other questions. Josh,

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1 MIKE ROBERTS

2 Raul, are you good?

3 MR. TOM: Nothing from me.

4 MR. YOUNGWOOD: Okay.

5 THE VIDEOGRAPHER: Okay.

6 So --

7 MR. YOUNGWOOD: Okay.

8 Mr. Roberts, unless -- unless your

9 attorney has questions for you, I

10 have no further questions, and I --

11 I thank you for your time.

12 Mr. O'Donnell, we're not able

13 to find the, you know, composite

14 policy on the website. We'll email

15 you about that later. I don't

16 think that would give rise to --

17 MR. O'DONNELL: John -- John,

18 I'll send that to you this

19 afternoon.

20 MR. YOUNGWOOD: Okay. Is it

21 on the website?

22 MR. O'DONNELL: It's -- it's

23 supposed to be. I'll talk to our

24 county administrator. She's been

25 out on sick leave.

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1 MIKE ROBERTS

2 REPORTER'S CERTIFICATE

3 I, Greta H. Duckett, Certified Court

4 Reporter, Registered Professional Reporter, and

5 Certified Realtime Reporter, hereby certify

6 that on Wednesday, January 13, 2021, I reported

7 the remote deposition of MIKE ROBERTS, who was

8 first duly sworn or affirmed to speak the truth

9 in the matter of the foregoing cause, and that

10 the pages herein contain a true and accurate

11 transcription of the examination of said

12 witness by counsel for the parties set out

13 herein.

14 I further certify that I am neither of

15 kin nor of counsel to any of the parties to

16 said cause, nor in any manner interested in the

17 results thereof.

18 This 26th day of January, 2021.

19

20 *Greta Duckett*

21 _____

GRETA H. DUCKETT, RPR, CRR, CVR-S, RVR-M-S

22 ACCR-12, GCCR-2891, MCCR-1945, TNLCR-671

23

24

25

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1 MIKE ROBERTS

2 MR. YOUNGWOOD: Okay. Okay.

3 MR. O'DONNELL: I'll -- I'll

4 check with her to see where that --

5 THE VIDEOGRAPHER: So are

6 we --

7 MR. O'DONNELL: John, I'll

8 get that to you this afternoon.

9 MR. YOUNGWOOD: Okay. Okay.

10 Again, we'll reserve whatever

11 rights we have on that. I

12 certainly don't want to bother

13 anyone unnecessarily. We

14 appreciate you sending it to us.

15 THE VIDEOGRAPHER: Are we

16 ready to go off record?

17 MR. O'DONNELL: I have no

18 questions.

19 THE VIDEOGRAPHER: We are

20 going off record. The time is

21 12:17.

22 (The deposition of MIKE

23 ROBERTS concluded at

24 12:17 p.m. Central Standard

25 Time.)

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1 ERRATA SHEET

2 Case Name:

3 Deposition Date:

4 Deponent:

5 Pg.	No.	Now Reads	Should Read	Reason
6	---	---	---	---
7	---	---	---	---
8	---	---	---	---
9	---	---	---	---
10	---	---	---	---
11	---	---	---	---
12	---	---	---	---
13	---	---	---	---
14	---	---	---	---
15	---	---	---	---
16	---	---	---	---
17	---	---	---	---
18	---	---	---	---
19	---	---	---	---
20	---	---	---	---
21	---	---	---	---
22	---	---	---	---

Signature of Deponent

SUBSCRIBED AND SWORN BEFORE ME

23 THIS ____ DAY OF _____, 2021.

24 _____

25 (Notary Public) MY COMMISSION EXPIRES: _____

Index: \$45,000..affixed

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